Washington, Tuesday, April 7, 1959

Title 6—AGRICULTURAL **CREDIT**

Chapter V-Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B-EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 539-NUTS

Subpart A-Walnut Diversion Payment Program ZMD 37a (1958 Marketina Season)

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AUTHORITY: §§ 539.321 to 539.331, inclusive, issued under sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c.

§ 539.321 General statement.

539.331 Definitions.

(a) In order to encourage the domestic consumption of walnuts by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments on walnuts diverted under the terms and conditions hereinafter set forth.

(b) Information pertaining to this program and forms prescribed for use hereunder may be obtained from the following:

Werner Allmendinger, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2082 Center Street, Berkeley 4, California.

C. P. Sivertson, Specialty Crops Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 14th and Independent of Independ

partment of Agriculture, 14th and Independence Avenue SW., Washington 25, D.C.

§ 539.322 Rate of payment.

The rate of payment applicable to walnuts diverted in accordance with the terms and conditions contained herein shall be 38 cents per sound kernel pound of walnuts.

§ 539.323

(a) Pro will be ma who is loca Oregon, o cutes an a triplicate, ticipation plication i 1959, with Fruit and tural Mark Departmen Building, 2 California, proved by diverts eli directly of plant, and nuts until who files c and (6) wh of the term gram. Ap as receive will be lin pounds so application additional tor reserve tity appro poundage which app are of the ceipts of a The Admin applicant each applic occur prior Approved a or amende the Admini

(b) Eligi verted und "English shall have California, be those pr marketing 1959, and Lots of suc ably unifor sound kern cent by wei program "S same mean ing Order N

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in the program, (2) whose apsiled no later than May 1,	Rules and regulations: Celery, U.S. standards	2640
the Field Representative, Vegetable Division, Agricul-	Walnut diversion payment pro- gram; 1958 marketing season.	2637
keting Service, United States at of Agriculture, Mercantile 1082 Center Street, Berkeley 4, (3) whose application is ap- the Administrator, (4) who gible walnuts into oil either	Agricultural Research Service Rules and regulations: Recognition of breeds and books of record of purebred animals; miscellaneous amendments	2643
r through an approved oil who retains title to the wal- completion of diversion, (5) claim as provided in § 539.324, no otherwise complies with all	Agricultura Department See Agricultural Marketing Service; Agricultural Research Service; Commodity Stabilization Service.	
ns and conditions of this pro- plications will be considered	Alien Property Office Notices:	
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a kernel or portion of a kernel which will not pass through a round opening %4 inch in diameter, and which otherwise meets the requirements of U.S. Commercial Grade as set forth in the effective United States Standards for "Shelled English Walnuts" effective January 25, 1959. The lot tolerances provided in such standards shall not apply to individual kernels or portions thereof.

kernels or portions thereof.

(c) Inspection. The sound kernel content of walnuts shall be determined prior to diversion by a Federal or Federal-State Inspector, authorized or licensed by the Secretary of Agriculture, United States Department of Agriculture (hereinafter referred to as Inspection Service), not earlier than the date on which diverter receives the Administrator's approval of Form FV-365.

In determining the sound kernel content, portions of kernels which do not meet the requirements of "sound kernel" shall be trimmed off and the affected parts excluded from the sound kernel weight. Each car or truck lot of inspected walnuts to be shipped to a point of diversion shall be checkloaded and a certificate of checkloading issued by the Inspection Service. The Inspection Service shall have the right to limit the size of a lot for which sound kernel content is to be determined. The cost of determination of sound kernel content, observation of diversion if such diversion occurs in diverter's oil plant, issuance of inspection and, when applicable, "ob-servation of diversion" certificates, the forwarding of a copy of each inspection certificate to the Walnut Control Board. checkloading, and other incidental services performed by the Inspection Service.

shall be borne by the diverter.

(d) Weight certificates. The net weight of each lot of unshelled walnuts tendered for diversion under this program shall be the scale weight shown on official weight certificates issued by authorized State weighers, and the costs thereof shall be borne by diverters.

(e) Period of diversion. No payment under this program will be made in connection with any walnuts diverted unless the diversion began on or after the date of approval of the application and was completed prior to 12 o'clock midnight, P.s.t., July 31, 1959.

§ 539.324 Claims for payment supported by evidence of compliance.

(a) Diverters shall file claim for payment not later than September 30, 1959, with the Director, Western Area Administrative Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2180 Milvia Street, Berkeley 4, California: *Provided*, That, upon written

request of the diverter stating substantial reason therefor, the Administrator may, if he deems it desirable, grant an extension of time for the filing of claims.

(b) Each claim for payment shall be in the form of an original and one copy of an invoice to USDA, Agricultural Marketing Service, stating (1) Lot number and related Inspection Certificate number, (2) for each lot crushed into oil the total number of pounds of walnuts and the total number of pounds of sound kernel content, (3) amount of payment claimed, (4) the serial number assigned by USDA to related approved application, (5) the following certification: "I certify that the walnuts identified above were crushed into oil and that the payment claimed is authorized under the program", and (6) shall be supported by:

(i) The original or one signed copy of the inspection and weight certificate or certificates required in § 539.323 (c) and (d).

(ii) If walnuts were shipped from diverter's premises, one signed copy of railroad or truckers bill of lading and checkloading certificate. The bill of lading must indicate the lot number or other identification sufficient to identify the walnuts loaded on board the carrier.

(iii) The original copy of certification of crushing furnished to diverter by WCB if crushing occurred in other than diverter's oil plant, or the original copy of certification of observation of diversion issued by the Inspection Service if crushing occurred in diverter's oil plant.

(iv) Such other documents as may be required by the Secretary as evidence of diversion hereunder.

§ 539.325 Records and accounts.

The diverter shall maintain accurate records and accounts of diversion hereunder. Such records, accounts, and other documents relating to walnuts diverted under this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until December 31, 1961.

§ 539.326 Amendment and termination.

This program may be amended or terminated by the Administrator at any time, but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any walnuts crushed in diverter's own plant or delivered to the approved oil plant for crushing into oil before the effective date of such amendment or termination.

§ 539.327 Persons not eligible for payment.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from the program or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to any such person acting in his capacity as a handler of walnuts.

§ 539.328 Set-off.

The Secretary may set off, against any amount owed to any diverter hereunder, any amount owed by such diverter to the Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting off as provided herein shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 539.329 Joint payee or assignment.

A diverter may name a joint payee on a claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U.S.C. 203, 41 U.S.C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: Provided, That, such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the Administrator, together with a true copy of the instrument of assignment, in accordance with the instructions on Form AMS-66 "Notice of Assignment", which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form AMS-347 or the assignee may use his own form of assignment. The AMS forms may be obtained from the Administrator or Western Area Administrative Division.

§ 539.330 Good faith.

If the Administrator determines that any diverter has not acted in good faith in connection with any transaction under this program, or has failed to discharge fully any obligation assumed by him under this program, such diverter may be denied the right to continue participating in this program or the right to receive payment under this program in connection with any diversion previously made under this program, or both.

§ 539.331 Definitions.

As used herein, the following terms are defined as follows:

- (a) Secretary. "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.
- (b) Administrator. "Administrator" means the Administrator, Agricultural Marketing Service, USDA, or any Representative of the Secretary to whom said Administrator has delegated authority to perform functions vested in him.
- (c) Diverter. "Diverter" means the handler of walnuts, located in California, Oregon, or Washington, whose application for participation in this program has been approved by the Administrator, and who utilizes eligible walnuts in the manufacture of oil within his own plant or in an approved oil plant.
- (d) Diversion. "Diversion" means the utilization of eligible walnuts in the manufacture of oil.
- (e) Approved oil plant. "Approved oil plant" means the crushing plant approved by the Walnut Control Board for crushing eligible walnuts into oil.

(f) Checkloading. "Checkloading" means (1) identifying the eligible walnuts as those for which inspection certificates are issued, (2) recording net weight of each lot and car or truck identification, (3) affixing seals to car or truck doors, and (4) making any other examination necessary to determine compliance with program requirements.

(g) Application. "Application" means Form FV-365 (3-23-59) Application to Participate in Walnut Diversion Payment Program ZMD 37a 1958 Marketing Season.

- (h) Walnut Control Board. "Walnut Control Board" means the agency of the Secretary established under the provisions of the Order Regulating Handling of Walnuts Grown in California, Oregon, and Washington, Order No. 84, as amended.
- (i) Filed. "Filed" Applications, claims and related documents are deemed to be filed on the date postmarked by a U.S. Post Office if mailed, or when received by the appropriate USDA office if otherwise delivered.

Effective date. This program shall become effective at 12:01 a.m., P.s.t., April 7, 1959.

Note: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 1st day of April 1959.

[SEAL]

S. R. SMITH, Representative of the Secretary of Agriculture.

[F.R. Doc. 59-2863; Filed, Apr. 6, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51 - FRESH FRUITS, VEGE-TABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Celery 1

On March 20, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 2203) regarding a proposed revision of United States Standards for Celery.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Celery are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

	GRADES
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51.561	U.S. No. 1.
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51.563	Unclassified.
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51.564	Requirements as to count.
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51.565 Application of tolerances. DEFINITIONS 51.566 Stalk.

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Well trimmed. 51.571 51.572 Compact. 51.573` Damage.

51.574 Green. 51.575 Fairly well blanched. 51.576 Mixed blanch.

51.577 Average midrib length.

Length of stalk. 51.579 Fairly well developed. 51,580 Fairly well formed. 51.581

51.582 Fairly compact. 51.583 Reasonably well developed. . 51.584 Reasonably well formed.

Fairly well trimmed. 51.585 51.586 Serious damage. 51.587 Diameter.

51.588 Length of seedstem.

AUTHORITY: §§ 51.560 to 51.588 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.560 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of stalks of celery of similar varietal characteristics which are well developed, well formed, clean, well trimmed, compact, and which are free from blackheart, brown stem, soft rot, doubles and free from damage caused by freezing, growth cracks, horizontal cracks, pithy branches, seedstems, suckers, wilting, blight, other disease, insects or mechanical or other means. Stalks shall be green unless specified as fairly well blanched, or mixed blanch.

(a) The average midrib length of the outer whorl of branches shall be not less than 7 inches.

- (b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side, end or bottom of the container to within 11/2 inches of the corresponding opposite side, end or top of the container. Such measurement shall not include the bulge. In any container when stalk length is specified, it shall be the minimum length in terms of whole inches of even number. as 12 inches, 14 inches, etc., in accordance with the facts.
- (c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:
- (1) For defects. 10 percent, by count. in any lot for stalks which fail to meet the requirements of the grade, including therein not more than 2 percent for soft
- (2) For off-length stalks. 5 percent. by count, in any lot for stalks which fail in terms of whole inches of even number.

to meet the minimum length required or specified; and,

(3) For off-length midribs. 5 percent, by count, in any lot for stalks which fail to meet the requirements as to average midrib length.

§ 51.561 U.S. No. 1.

"U.S. No. 1" consists of stalks of celery of similar varietal characteristics which are fairly well developed, fairly well formed, well trimmed, fairly compact, and which are free from blackheart and soft rot and free from damage caused by freezing, growth cracks, horizontal cracks, pithy branches, seedstems, suck-ers, dirt, doubles, wilting, blight, other disease, insects or mechanical or other means. Stalks shall be green unless specified as fairly well blanched, or mixed blanch.

(a) Unless otherwise specified, the average midrib length of the outer whorl of branches shall be not less than 6

inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side, end or bottom of the container to within 11/2 inches of the corresponding opposite side, end or top of the container. Such measurement shall not include the bulge. In any container when stalk length is specified, it shall be the minimum length in terms of whole inches of even number, as 12 inches, 14 inches, etc., in accordance with the facts.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be per-

mitted:

(1) For defects. 10 percent, by count, in any lot for stalks which fail to meet the requirements of the grade, including therein not more than 2 percent for soft

(2) For off-length stalks. 5 percent, by count, in any lot for stalks which fail to meet the minimum length required or specified; and,

(3) For off-length midribs. 5 percent, by count, in any lot for stalks which fail to meet the requirements as to average midrib length.

§ 51.562 U.S. No. 2.

"U.S. No. 2" consists of stalks of celery of similar varietal characteristics which are reasonably well developed, reasonably well formed, fairly well trimmed and are free from blackheart and soft rot and free from serious damage caused by freezing, growth cracks, horizontal cracks, pithy branches, seedstems, dirt, doubles, wilting, blight, other disease, insects or mechanical or other means. Stalks shall be green unless specified as fairly well blanched, or mixed blanch.

(a) Unless otherwise specified, the average midrib length of the outer whorl of branches shall be not less than 4 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side, end or bottom of the container to within 11/2 inches of the corresponding opposite side, end or top of the container. Such measurement shall not include the bulge. In any container when stalk length is specified, it shall be the minimum length

Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

as 12 inches, 14 inches, etc., in accordance with the facts.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) For defects. 10 percent, by count, in any lot for stalks which fail to meet the requirements of the grade, including therein not more than 2 percent for soft rot.

(2) For off-length stalks. 5 percent, by count, in any lot for stalks which fail to meet the minimum length required or specified; and,

(3) For off-length midribs. 5 percent, by count, in any lot for stalks which fail to meet the requirements as to average midrib length.

UNCLASSIFIED

§ 51.563 Unclassified.

"Unclassified" consists of stalks of celery which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

COUNT

§ 51.564 Requirements as to count.

(a) The number of stalks of celery in the container may be specified by numerical count or in terms of dozens or half-dozens. Variations from the number specified shall be permitted as follows: *Provided*, That the average for the lot is not less than the number specified:

Specified number per package:

24 stalks or less______ 1 stalk variation.
25 to 50 stalks, inclusive_ 3 stalk variation.
51 to 70 stalks, inclusive_ 4 stalk variation.
More than 70 stalks_____ 5 stalk variation.

APPLICATION OF TOLERANCES

§ 51.565 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified:

(1) For packages which contain 20 specimens or more and a tolerance of 10 percent or more is provided, individual packages in any lot may contain not more than one and one-half times the tolerance specified. For packages which contain 20 specimens or more and a tolerance of less than 10 percent is provided, individual packages may contain not more than double the tolerance specified except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain less than 20 specimens, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package: *Provided*, That for packages which contain 6 specimens or less, individual packages in any lot are not restricted as to the percentage of defects:

And provided further, That not more than one specimen which is affected by decay or otherwise seriously damaged and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.566 Stalk.

"Stalk" means an individual plant.

§ 51.567 Similar varietal characteristics.

"Similar varietal characteristics" means that the stalks in any package have the same general appearance and character of growth.

§ 51.568 Well developed.

"Well developed" means that the branches are of good width and thickness in relation to the length of midribs and type of celery and that the heart branches are of reasonable number, length and stockiness.

§ 51.569 Well formed.

"Well formed" means that the branches are fairly straight and not more than slightly curved or twisted.

§ 51.570 Clean.

"Clean" means that the stalk is practically free from dirt or other foreign material. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing.

§ 51.571 Well trimmed.

"Well trimmed" means that not more than 2 relatively thin, short or spindly, or coarse and fibrous outer branches remain; that the main root has been cut off so as not to extend more than 1½ inches below the point of attachment of the lowest outer branch; that secondary rootlets are not of such number or length as to materially affect the appearance of the stalk; and, that the appearance is not materially affected by the presence of discolored leaves or by excessive removal of leaves or portions of leaves.

§ 51.572 Compact.

"Compact" means that the branches on the stalk are fairly close together throughout most of their length.

§ 51.573 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the celery stalk or the general appearance of the stalks in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when more than 2 branches are affected by growth cracks which are over one-half inch in length, or when more than 6 branches have growth cracks;

(b) Horizontal cracks when more than 3 branches have horizontal cracks which are over one-half inch in length, or when more than 6 branches have horizontal cracks:

(c) Pithy branches when more than 2 are pithy in that portion of the midrib between a point 1½ inches above the point of attachment to the base and the first node, or between a point 1½ inches below the first node and the point of attachment to the base, or when pith occurs at both ends of the midrib and more than a total of 1½ inches is affected: Provided, That stalks having 6 outer branches or less shall have not more than one-third of the outer branches affected by pith as described above;

(d) Seedstems when the length of seedstem exceeds twice the diameter of the stalk or 8 inches in length (see §§ 51.587 and 51.588);

(e) Dirt when there is caked dirt on the stalk, or when dirt is present between the branches to the extent that the appearance is materially affected;

(f) Doubles when not separated and the appearance is materially affected, or when separated and either of the stalks is badly curved;

(g) Disease:

(1) Brown stem, cracked stem and crater blotch when materially affecting more than 2 branches, or when the aggregate area exceeds two-thirds of a square inch on the branches; and,

(2) Discoloration when each of more than 2 branches or ¼ of the branches of the stalk, whichever is less, has more than 3 distinct hair-like lines more than 3 inches long occurring on the outer side of the branch or an aggregate area of more than ¼ by 1 inch of blotch or solid type discoloration occurring on the inner side:

(h) Insects when worms are present, or when insect injury occurs on heart branches, or when insect injury affects the midrib portion of more than 2 branches, or when injury on other portions materially affects the appearance of the stalk; and,

(i) Mechanical injury when the root has been cut off too closely leaving the branches without support; when more than 2 branches are materially scuffed or bruised; when the branches have been broken above the first node to an extent which materially affects the appearance; or when more than 2 branches are broken below the first node except that all branches may be cut below the first node provided the stalk is of the length specified.

§ 51.574 Green.

"Green" means that the midrib portions of the outer branches on the stalk are generally green to light green color.

§ 51.575 Fairly well blanched.

"Fairly well blanched" means that the midrib portions of the outer branches on the stalk are generally of a creamy white to pale green color.

§ 51.576 Mixed blanch.

"Mixed blanch" consists of green and fairly well blanched stalks of celery in the same container.

§ 51.577 Average midrib length.

"Average midrib length" means the average length of all the branches in the

outer whorl measured from the point of attachment at the base to the first node.

\$ 51.578 Branch.

"Branch" means the leaf of a stalk and consists of the edible stem-like portion and the tops or leaf blades.

§ 51.579 Length of stalk.

"Length of stalk" means the distance from where the root is cut off to a point which represents the average length of the longest branches.

§ 51.580 Fairly well developed.

"Fairly well developed" means that the branches are of fairly good width and thickness in relation to the length of midribs and type of celery and that there is not excessive open space in the center of the stalk.

§ 51.581 Fairly well formed.

"Fairly well formed" means that the branches are reasonably straight and not more than moderately curved or twisted.

§ 51.582 Fairly compact.

"Fairly compact" means that, the branches on the stalk are reasonably close together throughout most of their length.

§ 51.583 Reasonably well developed.

"Reasonably well developed" means that the branches are of reasonable width and thickness in relation to the length of midribs and type of celery.

§ 51.584 Reasonably well formed.

"Reasonably well formed" means that the branches are not crooked, curved or twisted to the extent that the appearance of the stalk is seriously affected.

§ 51.585 Fairly well trimmed.

"Fairly well trimmed" means that the main root has been cut off so that it does not extend more than 3 inches below the point of attachment of the lowest outer branch, and that secondary rootlets are not of such number or length as to seriously affect the appearance of the stalk.

§ 51.586 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the celery stalk or the general appearance of the stalks in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Growth cracks when more than 4 branches are affected by growth cracks which are over one-half inch in length, or when more than 8 branches have growth cracks:

(b) Horizontal cracks when more than 5 branches have horizontal cracks which are over one-half inch in length, or when more than 8 branches have horizontal cracks:

(c) Pithy branches when more than 4 are pithy in that portion of the midrib between a point 11/2 inches above the point of attachment to the base and the first node, or between a point 1½ inches the standards on the part of the celery below the first node and the point of attachment to the base, or when pith occurs at both ends of the midrib and more than a total of 1½ inches is affected: Provided, That stalks having 6 outer branches or less shall have not more than one-half of the outer branches affected by pith as described above;

(d) Seedstems when the length of seedstem exceeds 3 times the diameter of the stalk (see §§ 51.587 and 51.588):

(e) Dirt when dirt is badly caked on the stalk;

(f) Doubles when the inner branches are not fairly well protected;

(g) Disease:

(1) Brown stem, cracked stem and crater blotch when seriously affecting more than 4 branches, or when the aggregate area exceeds 1 square inch on the branches; and,

(2) Discoloration when each of more than 5 branches or $\frac{1}{2}$ of the branches of the stalk, whichever is less, has more than 3 distinct hair-like lines more than 3 inches long occurring on the outer side of the branch or an aggregate area of more than 1/4 by 1 inch of blotch or solid type discoloration occurring on the inner side:

(h) Insects when worms are present, or when insect injury affects the midrib portion of more than 4 branches, or when injury on other portions seriously affects the appearance of the stalk; and,

(i) Mechanical injury when the root has been cut off too closely leaving the branches without support; when more than 4 branches are materially scuffed or bruised; when the branches have been broken above the first node to an extent which seriously affects the appearance: or when more than 4 branches are broken below the first node except all branches may be cut below the first node provided the stalk is of the length specified.

§ 51.587 Diameter.

"Diameter" means the greatest dimension of the stalk measured at a point 2 inches above the point of attachment of the lowest outer branch to the base.

$\S 51.588$ Length of seedstem.

"Length of seedstem" means the distance from the base of the outer branches of the stalk to the top of the actual seedstem, exclusive of any leaves or leafstems attached to the top of the seedstem.

The United States Standards for Celery contained in this subpart shall become effective upon publication hereof in the Federal Register, and will thereupon supersede the United States Standards for Celery which have been in effect since August 17, 1957 (7 CFR §§ 51.560 to 51.588).

It is hereby found and determined that good cause exists for not postponing the effective date of these revised standards beyond the date of publication hereof in the Federal Register (5 U.S.C. 1001 et seq.), in that: (1) The harvesting season for celery has already begun, and it is in the interest of the public and the industry that the standards be placed in effect at the earliest possible date; and, (2) no special preparation for compliance with

industry or of others is required.

Dated: April 2, 1959.

[SEAL]

, ROY W. LENNARTSON. Deputy Administrator. Marketing Services.

[F.R. Doc. 59-2884; Filed, Apr. 6, 1959; 8:51 a.m.]

Chapter VII-Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 4]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Miscellaneous Amendments

Basis and purpose. These amendments as are issued pursuant to the Agriculture Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Public Law 85–835, approved August 28, 1958 (72 Stat. 995), provides for the pooling of farm acreage allotments where the farm owner is displaced by a Federal, State or other agency having the right of eminent domain. Regulations implementing this provision of law have been issued in this part. The amendments herein establish provisions governing cases where the owner of the land acquired by an agency was displaced from such land between the dates (differing by commodities) designated in the statute and August 28, 1958, the date of enactment of the statute and effect minor changes in certain other paragraphs which were previously approved.

The principle purpose of these amendments is to provide that allotment(s) otherwise eligible for pooling by an owner displaced prior to August 28, 1958, shall be placed in an allotment pool: Provided, That the owner requests such action prior to a specified date and designates the farm(s) to which a transfer of allotment is being requested for the succeeding year. Since such designated date, with respect to the wheat crop to be harvested in 1960, is May 1, 1959, it is imperative that wheat farmers be notified of the amendments as soon as possible. It is therefore found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 719.7(b) is amended to read as follows:

(b) Changes not requiring redetermination of allotments and history and soil bank base acreage. Farm allotments and history and soil bank base acreages shall not be redetermined if the only change in the farmland involved is noncropland or less than 15 percent of the cropland on the parent farm is acquired by any Federal, State or other agency having the right of eminent domain and such land is removed from agricultural production.

2. Section 719.8(a) is amended to read as follows:

(a) Methods for reconstituting farm allotments and history acreages where the farm divided consists of land under one ownership. If the farm to be divided into two or more tracts consists of land under one ownership the current allotments and farm history acreages determined for the parent farm shall be apportioned among the tracts in the same proportion as the acreage of cropland (acreage of developed rice land for rice) for each such tract bears to the cropland in the parent farm: Provided, however, That the proviso in paragraph (b) (2) of this section or the provisions of paragraphs (b) (3) or (4) of this section may be applied: And further provided, That with respect to tobacco if the farm to be divided was combined during the period 1954 through 1958 and the combination became effective during the 5-year period immediately prior to the current year, subject to the provisions of paragraph (b) (4) of this section, the contribution method set forth in paragraph (b) (1) of this section, shall be applied. notwithstanding the fact that the tracts involved are under one ownership and not under separate ownership. The sum of allotment and history acreages for the respective tracts of a division shall not exceed the respective acreages for the parent farm, subject to the provisions of § 719.7(e).

3. Section 719.8(b)(2) is amended to read as follows:

(2) Cropland method. If the farm. as constituted in the preceding year, will be operated in the current year as two or more farms or parts of farms. and the contribution rule is not applicable, the current year allotments and allotment crop history acreages determined for the parent farm, shall, except as otherwise provided under the history method and for estates, be apportioned among the tracts in the same proportion that the acreage of cropland (acreage of developed rice land for rice) in each such tract bears to the cropland (developed rice land for rice) for the parent farm: Provided, however, That upon agreement in writing by the owners and operators, and approval by the county committee, the allotments and history acreages may be apportioned on the basis of the cropland normally considered as available for and adapted to the production of the allotment crops on each tract.

4. Section 719.12(d) (1) is amended to read as follows:

(d) Where agency will not contin. 2 production of allotment crops—(1) Allotment pool. If an agency acquires a farm and no notice is filed by the agency designating a particular allotment crop as one to be produced on the acquired farm pursuant to paragraph (c) of this section, the allotment for such commodity shall be placed in an allotment pool

in accordance with subdivisions (i) or (ii) of this subparagraph. The allotment placed in a pool in accordance with these regulations shall be available only for use in providing equitable allotments for other farms owned or purchased by the displaced owner. During the period of eligibility for establishing or increasing allotments for a displaced owner under this section, acreage allotments shall be established for the agency-acquired farm in accordance with applicable commodity regulations for other farms, and for purposes of establishing future allotments, such allotments shall be considered to have been

fully planted.
(i) Owners displaced prior to August 28, 1958. Allotment(s) which are eligible for pooling by an owner displaced prior to August 28, 1958, under the provisions of paragraphs (a), (b) and (c) of this section, shall be placed in an allotment pool if the displaced owner timely files the prescribed application form(s) designating the other owned farm(s) for which a transfer of allotment is being requested for the succeeding year. Such application for the pooling of an allotment(s) shall become active as of the date of filing with the county committee; however, an application must be filed on or before May 1 in the case of wheat and November 1 in the case of cotton, peanuts, rice and tobacco for the transfer to become effective for the succeeding crop year. The pooling and transfer provisions of this subdivision shall not b) applicable to any application filed after August 28, 1961.

(ii) Owners displaced on or after August 28, 1958. The allotment(s) eligible for pooling by an owner displaced on or after August 28, 1958, shall be placed in an allotment pool upon the displacement of the owner.

5. Section 719.12(d) (2) is amended by striking out the word "by" immediately preceding the date "August 29, 1961" and inserting in lieu thereof the word "before".

(Sec. 375; 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 378, 72 Stat. 995; 7 U.S.C. 1378).

Done at Washington, D.C., this 2d day of April 1959. Witness my hand and the seal of the Department of Agriculture.

SEAL LIONEL C. HOLM,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-2885; Filed, Apr. 6, 1959; 8:51 a.m.]

Tit!a 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELE-VATOR, AND AUTOMOBILE FEES

Commercial Passenger-Carrying Vehicles, Everglades National Park

On page 106 of the Federal Register of January 6, 1959 there was published a

notice of proposed rule making to provide for the issuance of regulations in connection with the Everglades National Park. Interested persons were given 30 days within which to submit written comments, suggestions, or objections to the proposed regulations. The proposed amendment of Part 13 provides for the addition of a new section establishing fees for the operation of commercial passenger-carrying vehicles in Everglades National Park, Florida.

No comments or objections were submitted within the 30-day period. Consequently, the proposed amendment is hereby adopted as published and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the Federal Register.

FRED A. SEATON, Secretary of the Interior.

APRIL 1, 1959.

A new section is added to Part 13, to read as follows:

§ 13.19 Commercial passenger-carrying vehicles, Everglades National Park.

Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Park road in Everglades National Park. The fees for such permit shall be as follows:

(a) Annual permit for calendar year:\$3.00 for each passenger-carrying seat in

the vehicle to be operated:

(b) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: \$1.00 for each passenger-carrying seat in the vehicle to be operated.

(c) Permit good for one day, 7-passenger vehicle or less: \$1.00 per vehicle.

(d) Permit good for one day, more than 7-passenger vehicle: \$10.00 per vehicle.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C.

[F.R. Doc. 59-2852; Filed, Apr. 6, 1959; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural R e s e a r c h Service, Department of Agriculture

SUBCHAPTER G-ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PURE-BRED ANIMALS

Miscellaneous Amendments

Pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR Part 151, as amended) are hereby further amended as follows:

1. Section 151.1(i) is amended to read:

§ 151.1 Definitions.

(i) Book of record. A printed book or an approved microfilm record spon-

sored by a registry association and containing breeding data relative to a large number of registered purebred animals used as a basis for the issuance of pedigree certificates.

2. The introductory portion of § 151.9 is amended to read:

§ 151.9 Recognized breeds and books of record.

Breeds of animals and books of record listed in paragraphs (a) and (b) are hereby recognized. Recognition of such breeds and books of record will be continued, however, only if the books of record involved are kept by the custodians thereof in a form which is reasonably current and the book otherwise meets the requirements of this part, in the opinion of the Director of the Division. When a registry association which publishes a book of record that was recognized in printed form ceases to publish the book in such form and in lieu thereof publishes the book in microfilm form, the recognition of such book of record will be continued only if the book meets the requirements of this part. A copy of each printed volume and microfilm record of a book of record published after the book is recognized under this part shall be sent to the Division immediately following such publication. All books of record sent to the Division shall he submitted through the United States Government Despatch Agency, 45 Broadway, New York 6, New York, U.S.A.

3. Section 151.10 is amended to read: § 151.10 Recognition of additional

breeds and hooks of record.

Before a breed or a book of record shall be added to those listed in this part, the custodian of the book of record involved shall submit to the Division a complete copy of the book of record, consisting of any published printed volumes and any microfilm records issued by the registry association up to date of application, together with a copy of all rules and forms in force on said date affecting the

registration of animals in said book. 4. A new § 151.11 is added to read:

§ 151.11 Form of books of record.

(a) If a registry association has not published its book of record in printed form, a record in approved microfilm form which the Director of the Division finds provides a system for determining the recorded ancestry of the animals identified therein will be acceptable. When a registry association which has published its book of record in printed form ceases such publication and in lieu thereof publishes a microfilm record, the microfilm record shall commence with the first pedigree recorded by the association which is not in the printed volumes and shall otherwise be in approved form.

(b) A microfilm record will be approved under this part only if it is 16 mm. non-perforated safety film exposed at a reduction ratio not to exceed 24 diameters. 'All information on the original document shall be reproduced onto

the microfilm so that it is clearly readable. The microfilm carton shall be indexed to state the numbers of the pedigree certificates on the roll of film it contains.

The only purpose of this amendment is to permit recognition of books of record consisting wholly or in part of microfilm records. This constitutes a relieving of restrictions and in order to be of maximum benefit to affected persons the amendment should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice of rule-making and other public procedure on the amendment would be impracticable and unnecessary and the amendment may be made effective less than 30 days after publication in the FEDERAL-REGISTER.

This amendment shall become effective upon publication in the Federal Register.

(Par. 1606, sec, 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

Done at Washington, D.C., this 1st day of April 1959.

[SEAL] M. R. CLARKSON,

'Acting Administrator,

Agricultural Research Service.

[F.R. Doc. 59-2865; Filed, Apr. 6, 1959; 8:47 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board SUBCHAPTER B—ECONOMIC REGULATIONS [Reg. ER-265]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Preservation of Records and Reports Relating to Errors, Oversales, Irregularities, and Delays

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of April 1959.

Under Part 249, reservation cards and charts constituting the original source of passengers' names, telephone numbers, etc. and all reservation telegrams and radio messages relating to the clearance of space, passenger dispatches, etc. are presently required to be preserved by certain certificated air carriers for a period of two months and one month, respectively. (Category 302 of the "Schedule of Records".) On the other hand, reservation records and reports (cards and messages) relating to errors, oversales, irregularities and delays in handling passengers are presently required-to be preserved for a period of one year under the provisions of Category No. 303(a) of the "Schedule of Records."

The monthly accumulation of such reservation cards and messages is extremely voluminous and the Board has been advised that because of this volume, it is economically unfeasible to separate

the cards and messages relating to a passenger reservation mishandling from similar cards and messages not so related. Consequently, many carriers preserve all reservation cards and messages for a period of one year to satisfy the requirements of Category 303(a) at substantial additional cost for filing equipment, space and personnel.

For the foregoing reasons, the Board has been requested to amend Part 249 to grant some relief to the carriers subject to these regulations. It has been suggested by certain carriers that the Board's needs could be satisfied if the certificated carriers were given the option of (1) preparing contemporaneously a report from their records of the incident and the apparent causes, and retaining reservation cards and messages in accord with Category 302 (cards-2 months; messages-1 month), or (2) retaining all records for a year in accord with Category 303. The possibility of a reduction in the one year retention for reports and records under Category 303 to six months was also suggested.

The Board does not believe that the preparation of the suggested report would necessarily afford the carriers any relief. Such a report would have to be based upon the original cards and messages in order to furnish the Board with the factual information it needs. Thus, the carriers would be faced with the same problem of segregating cards and messages that prompted a request for an amendment of Part 249. Furthermore, it does not appear necessary, as an alternative to the reporting requirement, to lengthen the present retention period to require the carriers to retain all records for one year in accord with Category 303. The Board believes that the retention period for records and reports covered by Category 303(a) can be reduced to three months rather than six months as suggested by the industry. Thus, a carrier will be required to retain (1) messages and cards in accordance with Category 302 for one and two months, respectively, and (2) messages and cards relating to errors, oversales, irregularities or delays in accordance with Category 303(a) for three months. Or, if the carrier chooses, it may retain all messages and cards for a three months' period. To assure that the Board will have access to the necessary information concerning any particular situation, this amendment provides that the three months' retention period is subject to extension at the Board's direction. So conditioned, this reduction in the retention requirements for reports and records under Category 303(a) reduces the burden on the carriers without jeopardizing the Board's ability to survey the practices of these carriers.

Since this amendment relaxes the existing regulation, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice.

Accordingly, Part 249 of the Economic Regulations (14 CFR Part 249) is amended effective April 7, 1959 as follows:

1. By amending Category 303 of the "Schedule of Records" in § 249.11(f) to read as follows:

303 Records and reports relating to errors, oversales, irregularities, delays:

(a) In handling passengers—3 months unless a longer period is directed by the Board or an authorized office of the Board.
(b) In handling air express and air freight—1 year.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766, 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL]

MABEL McCart, Acting Secretary.

[F.R. Doc. 59-2886; Filed, Apr. 6, 1959; 8:51 a.m.]

Chapter II—Federal Aviation Agency [Amdt. 1]

PART 408—ENFORCEMENT PROCEDURES

Criminal Penalties

The purpose of this amendment is to enlarge the scope of \$408.27 by adding new paragraph (d), which refers to the additional criminal penalties provided by section 1203 of the Federal Aviation Act of 1958, and also to make a minor editorial change. Since this amendment is not a substantive rule but one of Agency procedure, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, and in accordance with section 3 of the Administrative Procedure Act, I hereby amend Part 408 of the Regulations of the Federal Aviation Agency as follows:

1. Delete the last sentence of paragraph (c) of § 408.27.

2. Add new paragraphs (d) and (e) to § 408.27 to read as follows:

(d) Under section 1203 of the Act, any person who knowingly or willfully violates any provision of Title XII, or any rule, regulation, or order issued thereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine or imprisonment, or both.

(e) If it appears from a report received by the Agency that any of these offenses has been committed, the Administrator will, in an appropriate case, send the report to the U.S. Department of Justice for criminal prosecution of the person who committed the offense.

This amendment shall be effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sections 601, 609, 901, 902, 903, 1001, 1002, 1203, 72 Stat. 775, 779, 783, 784, 786, 788, 800; 49 U.S.C. 1421, 1429, 1471, 1472, 1473, 1481, 1523)

Issued in Washington, D.C., April 1, 1959.

JAMES T. PYLE, Acting Administrator.

[F.R. Doc. 59-2848; Filed, Apr. 6, 1959; 8:45 a.m.]

8:45 a.m.] No. 67—2 [Amdt. 9]

PART 600—DESIGNATION OF CIVIL AIRWAYS

Alterations

These civil airway alterations largely result from necessary changes in navigational aids, such as: Commissioning, decommissioning, realignment, which are required on the date indicated in order to promote safety. This action has been coordinated with various civil aviation organizations, the Army, the Navy and the Air Force. It will become effective on May 7, 1959. For these reasons, the notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act. in effect. have been complied with. However, interested persons may submit written data or comments with respect to these designations on or before May 7, 1959, to the Director, Bureau of Air Traffic Management, Federal Aviation Agency. All communications so received will be considered by the FAA and the action taken herein will be re-evaluated in the light of any comments received.

Part 600 is amended as follows:

1. Section 600.19 is amended to read:

§ 600.19 Green civil airway No. 9 (Hawaiian Islands).

From the INT of the west course of the Honolulu, Oahu, T.H., RR and the south course of the Port Allen, Kauai, T.H., RR via the Honolulu, Oahu, T.H., RR to the INT of the northeast course of the Honolulu RR and a point at latitude 22°05′00′′ N., longitude 155°46′00′′ W

§ 600.108 [Amendment]

2. Section 600.108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.) is amended by changing the first portion to read: "From the Los Angeles, Calif., RBN via the INT of a line bearing 260° from the Los Angeles RBN and the southeast course of the Camarillo, Calif., RR to the Camarillo, Calif., RR."

§ 600.217 [Amendment]

- 3. Section 600.217 Red civil airway No. 17 (Rantoul, Ill., to Baltimore, Md.) is amended by changing "(R-24)" to read: "(R-54)".
- 4. Section 600.313 is amended to read:
- § 600.313 Red civil airway No. 113 (Hawaiian Islands).

From the INT of the south course of the Port Allen, Kauai, T.H., RR and a line bearing 253° True from the Makapuu Point, Oahu, T.H., RBN to the Makapuu Point, Oahu, T.H., RBN.

§ 600.6012 [Amendment]

- 5. Section 600.6012 VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.) is amended by changing "Woodstown, N.J., omnirange 045° True radial." to read: "Woodstown, N.J., VOR 043° radial."
- 6. Section 600.6026 is amended to read:
- § 600.6026 VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).

From the Cherokee, Wyo., VOR via the Casper, Wyo., VOR; Rapid City, S.

Dak., VOR; Philip, S. Dak., VOR, including a north alternate via the INT of the Rapid City VOR 049° and the Philip VOR 282° radials; Pierre, S. Dak., VOR, including a south alternate; Huron, S. Dak., VOR, including a south alternate; Redwood Falls, Minn., VOR, including a south alternate; Farmington, Minn., VOR; Eau Claire, Wis., VOR; Wausau, Wis., VOR, including a south alternate; Green Bay, Wis., VOR, including a south alternate; INT of the Green Bay VOR 116° and the White Cloud VOR 302° radials; White Cloud, Mich., VOR; Lansing, Mich., VOR; Salem, Mich., VOR; point of INT of the Carleton, Mich., VOR, and the Cleveland VOR direct radial to the Jefferson, Ohio, VOR, and the Cleveland VOR direct radial to the Windsor, Ont., VOR; to the Cleveland, Ohio, VOR.

7. Section 600.6032 is amended to read:

§ 600.6032 VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).

From the Battle Mountain, Nev., VOR via the Elko, Nev., VOR, including a north alternate via the Battle Mountain VOR 062° and the Elko VOR 273° radials; Bonneville, Utah, VOR, including a north alternate from the Elko VOR to the Bonneville VOR via the Wells, Nev., VOR; Salt Lake City, Utah, VOR; to the Fort Bridger, Wyo., VOR.

8. Section 600.6036 is amended to read:

§ 600.6036 VOR civil airway No. 36 (Toronto, Ontario, Canada, to New York, N.Y.).

From the Toronto, Ontario, Canada, VOR via the INT of the Toronto VOR 141° and the Buffalo VOR 312° radials; Buffalo, N.Y., VOR, including a south alternate from the Toronto VOR to the Buffalo VOR via the INT of the Toronto VOR 172° and the Buffalo VOR 294° radials; Elmira, N.Y., VOR; Wilkes-Barre-Scranton, Pa., VOR; Sparta, N.J., VOR; to the point of INT of the Sparta VOR 111° and the Wilton, Conn., VOR 240° radials.

§ 600.6044 [Amendment]

9. Section 600.6044 VOR civil airway No. 44 (Centralia, Ill., to Baltimore, Md.) is amended by changing "Kent, Del., VOR" to read: "Kenton, Del., VOR".

§ 600.6055 [Amendment]

- 10. Section 600.6055 VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.) is amended by changing all after "Muskegon, Mich., VORTAC;" to read: "Muskegon, Mich., VORTAC; INT of the Muskegon VORTAC 327° and the Green Bay VOR 116° radials; to the Green Bay, Wis., VOR."

 11. Section 600.6056 is amended to
- read:
- § 600.6056 VOR civil airway No. 56 (Montgomery, Ala., to Florence, S.C.).

From the Montgomery, Ala., VOR via the INT of the Montgomery VOR 049° and the Columbus VOR 270° radials; Columbus, Ga., VOR; Macon, Ga., VOR; Augusta, Ga., VOR; Columbia, S.C., VOR, including a north alternate via the INT of the Augusta VOR 054° and the

Columbia VOR 266° radials, and also a south alternate via the INT of the Augusta VOR 085° and the Columbia VOR 193° radials; INT of the Columbia VOR 079° and the Florence VOR 246° radials; to the Florence, S.C., VOR.

§ 600.6066 [Amendment]

12. Section 600.6066 is amended by changing the caption to read: "VOR civil airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.)" and by deleting all after "to the Sulphur Springs, Tex., omnirangé station."

13. Section 600.6078 is amended to read:

§ 600.6078 VOR civil airway No. 78 (Huron, S. Dak., to Eau Claire, Ŵis.).

From the Huron, S. Dak., VOR via the Watertown, S. Dak., VOR, including a south alternate; Minneapolis, Minn., VOR; to the Eau Claire, Wis., VOR.

14. Section 600.6115 is amended to read:

§ 600.6115 VOR civil airway No. 115 (Crestview, Fla., to Buffalo, N.Y.).

From the Crestview, Fla., VOR via the Montgomery, Ala., VOR; INT of the Montgomery VOR 028° and the Birmingham VOR 138° radials; Birmingham, Ala., VOR; Chattanooga, Tenn., VOR; INT of the Chattanooga VOR 032° and the Knoxville VOR 248° radials; Knoxville, Tenn., VOR; to the Charleston, W. Va., VOR. From the Ellwood City, Pa., VOR via the Tidioute, Pa., VOR; Jamestown, N.Y., VOR; to the Buffalo, N.Y., VOR.

15. Section 600.6116 is amended to read:

§ 600.6116 VOR civil airway No. 116 (Kansas City, Mo., to New York, Ñ.Y.).

From the Kansas City, Mo., VOR via the Macon, Mo., VOR; Quincy, Ill., VOR; Peoria, III., VOR; Joliet, III., VOR; Naperville, III., VOR; Keeler, Mich., VOR; point of INT of the Litchfield, Mich., VOR 050° and the Salem VOR 257° radials; Salem, Mich., VOR; Windsor, Ontario, Canada, VOR; Erie, Pa., VOR; Bradford, Pa., VOR; Stonyfork, Pa., VOR; Wilkes-Barre-Scranton, Pa., VOR; Sparta, N.J., VOR; to the point of INT of the Sparta VOR 111° and the Wilton, Conn., VOR 240° radials.

16. Section 600.6123 is amended to read:

§ 600.6123 VOR civil airway No. 123 (Washington, D.C., to Westfield, Mass.).

From the Washington, D.C., TVOR via the Baltimore, Md., VOR; INT of the Baltimore VOR 035° and the New Castle VOR 257° radials; New Castle, Del., VOR; Woodstown, N.J., VOR; point of INT of the Pottstown, Pa., VOR 104° radial with the Robbinsville VOR direct radial to the New Castle VOR; Robbinsville, N.J., VOR; point of INT of the Wilton VOR 214° radial with the Idlewild, N.Y., VOR direct radial to the LaGuardia Airport, N.Y., ILS OM; Wilton, Conn., VOR; point of INT of the Wilton VOR direct radial to the Chester.

Mass., VOR with the Poughkeepsie, N.Y., VOR 099° radial; Westfield, Mass., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Edgewood Arsenal Restricted Area (R-82) is excluded during the time of designation of this restricted area.

17. Section 600.6134 is amended to

§ 600.6134 VOR civil airway No. 134 (Evergreen, Ala., to Columbus, Ga.).

From the Evergreen, Ala., VOR via the INT of the Evergreen VOR 075° and the Columbus VOR 219° radials; to the Columbus, Ga., VOR.

§ 600.6138 [Amendment]

18. Section 600.6138 VOR civil airway No. 138 (Rock River, Wyo., to Fort Dodge, Iowa) is amended by changing "Lincoln" to read: "Union" wherever it appears.

19. Section 600.6154 is amended to read:

§ 600.6154 VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.).

From the Meridian, Miss., VOR via the INT of the Meridian VOR 089° and the Montgomery VOR 282° radials; Montgomery, Ala., VOR; Tuskegee, Ala., VOR; INT of the Tuskegee VOR 078° and the Columbus VOR 255° radials; Columbus, Ga., VOR, including a south alternate via the INT of the Montgomery VOR 088° radial and the Columbus VOR direct radial to the Eufaula, Ala., VOR; Macon, Ga., VOR; to the Savannah, Ga., VOR, including a north alternate from the point of INT of the Savannah VOR 284° and the Allendale, Ga., VOR 216° radials to the Savannah VOR via the point of INT of the Savannah VOR 305° and the Allendale VOR 216° radials. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fort Benning Restricted Area (R-129) is excluded during this restricted area's time of designation.

§ 600.6157 [Amendment]

20. Section 600.6157 VOR civil airway No. 157 (Key West, Fla., to Richmond, Va.) is amended by changing "Gainesville VOR 354" to read: "Gainesville VOR 353°".

21. Section 600.6159 is amended to

§ 600.6159 VOR civil airway No. 159 (Miami, Fla., to Birmingham, Ala.).

From the Miami, Fla., VOR via the INT of the Miami VOR 346° and the West Palm Beach VOR 219° radials; West Palm Beach, Fla., VOR; Vero Beach, Fla., VOR; Orlando, Fla., VOR, including an east alternate from the Vero Beach VOR to the Orlando VOR via the INT of the Vero Beach VOR 342° and the Orlando VOR 123° radials and also a west alternate from the West Palm Beach VOR to the Orlando VOR via the INT of the West Palm Beach VOR 314° and the Orlando VOR 162° radials; Ocala, Fla., VOR; Gainesville, Fla., VOR; point of INT of the Cross City, Fla., VOR 333° and the Valdosta, Ga., VOR 233° radials; Albany, Ga., VOR, including a

west alternate from the Orlando VOR to the Albany VOR via the Ocala VOR, the Cross City, Fla., VOR and the point of INT of the Tallahassee, Fla., VOR 091° with the Cross City, Fla., VOR 333° radials; Eufaula, Ala., VOR; Tuskegee, Ala., VOR; to the Birmingham, Ala., VOR.

§ 600.6222 [Amendment]

22. Section 600.6222 VOR civil airway No. 222 (El Paso, Tex., to Gordonsville, Va.) is amended by changing "Lometa, Tex., omnirange 192° radials;" to read: "Llano, Tex., VOR 180° radials;".
23. Section 600.6249 is amended to

read:

§ 600.6249 VOR civil airway No. 249 (Sparta, N.J., to Utica, N.Y.).

From the Sparta, N.J., VOR via the Hugenot, N.Y., VOR; DeLancey, N.Y., VOR; Rockdale, N.Y., VOR; to the Utica, N.Y., RBN.

24. Section 600.6251 is amended to read:

§ 600.6251 VOR civil airway No. 251 (Front Royal, Va., to Sparta, N.J.).

From the Front Royal, Va., VOR via the Martinsburg, Va., VOR; Lancaster, Pa., VOR; Pottstown, Pa., VOR; to the Sparta, N.J., VOR.

25. Section 600.6425 is amended to read:

§ 600.6425 VOR civil airway No. 425 (Brookley AFB, Ala., to Axis, Ala.).

From the Brookley AFB, Ala., TVOR to the point of INT of the Brookley AFB TVOR 360° and the Mobile, Ala., VOR 044° radials.

26. Section 600.6449 is added to read: § 600.6449 VOR civil airway No. 449

(Unassigned).

27. Section 600.6450 is added to read: § 600.6450 VOR civil airway No. 450 (Muskegon, Mich., to Green Bay, Ŵis.).

From the Muskegon, Mich., VORTAC to the Green Bay, Wis., VOR.

28. Section 600.6451 is added to read:

§ 600.6451 VOR civil airway No. 451 (Unassigned).

29. Section 600.6452 is added to read:

§ 600.6452 VOR civil airway No. 452 (Raton, N. Mex., to Dalhart, Tex.).

From the Raton, N. Mex., VOR via the INT of the Raton VOR 111° and the Dalhart VOR 299° radials; to the Dalhart, Tex., VOR.

30. Section 600.6453 is added to read: § 600.6453 VOR civil airway No. 453 (Unassigned).

31. Section 600.6454 is added to read:

§ 600.6454 VOR civil airway No. 454 (Evergreen, Ala., to Charlotte, N.C.).

From the Evergreen, Ala., VOR via the INT of the Evergreen VOR 075° and the Tuskegee VOR 220° radials; Tuskegee, Ala., VOR; to the McDonough, Ga., VOR. From the Atlanta, Ga., VOR via the Athens, Ga., VOR; point of INT of the Spartanburg, S.C., VOR 148° and the Charlotte VOR 242° radials; to the Charlotte, N.C., VOR.

§ 600.6600 [Amendment]

32. Section 600.6600 VOR civil airway No. 1500 (San Francisco, Calif., to New York, N.Y.) is amended by changing the portion which reads: "Green Bay, Wis., omnirange station to the White Cloud, Mich., omnirange station." to read: "Green Bay, Wis., VOR; INT of the Green Bay VOR 116° and the White Cloud VOR 302° radials; to the White Cloud, Mich., VOR."

33. Section 600.6402 is amended to read:

§ 600.6402 Hawaiian VOR civil airway No. 2.

From the Lihue, Kauai, T.H., VOR via the point of INT of the Lihue VOR 126° and the Honolulu VOR 261° radials; Honolulu, Oahu, T.H., VOR; Lanai, T.H., VOR, including a south alternate; point of INT of the Lanai VOR 111° and the Upolu Point VOR 302° radials; Upolu Point, Hawaii, T.H., VOR; point of INT of the Upolu Point VOR 096° and the Hilo VOR 334° radials; Hilo, Hawaii, T.H., VOR; to the INT of the Hilo VOR 089° with a point 33 statute miles east of the Hilo VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Kahoolawe Restricted area's time of designation.

34. Section 600.6404 is amended to read:

§ 600.6404 Hawaiian VOR civil airway No. 4.

From the point of INT of the Lihue, Kauai, T.H., VOR 186° and the Koko Head VOR 254° radials via the Koko Head, Oahu, T.H., VOR; to the point of INT of the Koko Head VOR 065° and the Upolu Point, Hawaii, T.H., VOR 003° radials. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway at a distance of 50 statute miles southwest, and northeast from the Koko Head VOR, diverging southwestward and northeastward at angles of 6° relative to the airway's centerline.

35. Section 600.6412 is amended to read:

§ 600.6412 Hawaiian VOR civil airway No. 12.

From the point of INT of the Lihue, Kauai, T.H., VOR 189° and the Honolulu VOR 261° radials via the Honolulu, Oahu, T.H., VOR; Koko Head, Oahu, T.H., VOR; to the point of INT of the Koko Head VOR 050° and the Upolu Point, Hawaii, T.H., VOR 355° radials. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway at a distance of 50 statute miles southwest from the Honolulu, Oahu, T.H., VOR, and 50 statute miles northeast from the Koko Head, Oahu, T.H., VOR, diverging southwestward and northeastward at angles of 6° relative to the airway's centerline. The portion of this airway which lies within the geo-

graphic limits of, and between the established altitudes of, the Area D Warning Area (W-322) is excluded during this warning area's established time of use.

36. Section 600.6413 is added to read:

§ 600.6413 Hawaiian VOR civil airway No. 13.

From the Lihue, Kauai, T.H., VOR via the INT of the Lihue VOR 141° and the Koko Head VOR 254° radials; to the Koko Head, Oahu, T.H., VOR. In addition, this airway shall include the airspace between straight lines starting at a point on each outer boundary of the airway at a distance of 50 statute miles southeast of the Lihue VOR and diverging southeastward at angles of 6° relative to the airway's centerline.

This amendment shall become effective 0001 e.s.t. May 7, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

Issued in Washington, D.C., on April 2, 1959.

E. R. QUESADA, Administrator.

[F.R. Doc. 59-2878; Filed, Apr. 6, 1959; 8:49 a.m.]

[Amdt. 10]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL A R E A S, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Alterations

These control area, control zone and reporting point alterations largely result from necessary changes in navigational aids, such as: Commissioning, decommissioning, realignment, etc., which are required on the date indicated in order to promote safety. This action has been coordinated with various civil aviation organizations, the Army, the Navy and the Air Force. It will become effective on May 7, 1959. For these reasons, the notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act, in effect have been complied with. However, interested persons may submit written data or comments with respect to these designations on or before May 7, 1959, to the Director, Bureau of Air Traffic Management, Federal Aviation Agency. All communications so received will be considered by the FAA and the action taken herein will be re-evaluated in the light of any comments received.

Part 601 is amended as follows:

1. Section 601.1069 is amended to read:

§ 601.1069 Control a r e a extension (Santa Barbara, Calif.)

Within 5 miles either side of a line bearing 270° extending from the centerpoint of the Santa Barbara Municipal Airport to a point 28 miles west.

§ 601.1128 [Amendment]

2. Section 601.1128 Control area extension (Alexandria, La.) is amended by changing the name "Camp Polk" to read: "Fort Polk."

§ 601.1131 [Amendment]

3. Section 601.1131 Control area extension (Sitka, Alaska) is amended by adding the following portion to present control area extension: "and within 5 miles either side of the Sitka VORTAC 027° True radial extending from the VORTAC to a point 20 miles northeast."

§ 601.1178 [Revocation]

4. Section 601.1178 Control area extension (Honolulu, T.H.) is revoked.

5. Section 601.1207 is amended to read:

§ 601.1207 Control are a extension (Carlsbad, N. Mex.).

Within 5 miles either side of the Carlsbad VOR 165° radial extending from the VOR to VOR civil airway No. 16-N including the airspace southwest of the VOR bounded on the southeast by VOR civil airway No. 16-N and on the northwest by VOR civil airway No. 94.

6. Section 601.1208 is amended to read:

§ 601.1208 Control are a extension (Salt Flat, Tex.).

The airspace within 5 miles either side of the north course of the Salt Flat RR extending from the RR to a point 15 miles north including the airspace northeast of the RR bounded on the north by a line extending through points at latitude 32°02′15′′, longitude 104°46′00′′ and latitude 32°01′00′′, longitude 105°03′00′′ and bounded on the southeast by VOR civil airway No. 94, and also including the airspace within 5 miles either side of a direct line from the Salt Flat RR to the Carlsbad, N. Mex., VOR and within 5 miles either side of a 306° bearing extending from the Salt Flat RR to its intersection with the Newman, Tex., VOR 091° radial.

7. Section 601.1209 is amended to read:

§ 601.1209 Control area extension (Columbus, N. Mex.).

Within 5 miles either side of the Columbus RR north course extending from the RR to VOR civil airway No. 94 including the airspace northeast of the RR bounded on the southeast by VOR civil airway No. 16-N and on the northeast by VOR civil airway No. 94.

§ 601.1247 [Amendment]

8. Section 601.1247 Control area extension (Las Vegas, Nev.) is amended by changing the words which read: "on the northwest by VOR civil airway No. 8;" to read: "on the northwest by VOR civil airway No. 21;"

9. Section 601.1279 is amended to read:

§ 601.1279 Control area extension (Rapid City, S. Dak.).

The airspace within a 55 nautical mile radius of the centerpoint of Ellsworth Air Force Base, Rapid City, S. Dak., excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Scenic Re-

stricted Area (R-190) during the § 601.1459 [Revocation] restricted area's time of designation.

10. Section 601:1316 is added to read: § 601.1316 Control area extension , (Los Angeles, Calif.).

The airspace beginning at the Los Angeles, Calif., VOR and extending along the Los Angeles VOR-251° True radial to its intersection with the eastern boundary of the Oakland Oceanic Control Area, 10 miles in width from the VOR to a point where the 251° radial intersects the Pacific ADIZ then flaring 3° on each side of the 10-mile width to the Oceanic control area boundary. The portion of this control area lying within the geographic limits of, and between the established altitudes of, the Point Mugu Warning Area (W-289) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control.

§ 601.1328 [Amendment]

11. Section 601.1328 Control area extension (Oxnard, Calif.) is amended by changing the words which read: "The airspace bounded on the northeast by Amber civil airway No. 8," to read: "The airspace bounded on the northeast by VOR civil airway No. 27,".

§ 601.1380 [Amendment]

12. Section 601.1380 Control area extension (Kaneohe, Oahu, T.H.) is amended by deleting the words which read: "The portion of this control area extension which overlaps the Kahuku Restricted Area (R-324) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

13. Section 601.1423 is amended to read:

§ 601.1423 Control area extension (Oahu, T.H.).

The airspace south of the Kaneohe control area extension (601.1380) lying within a 30-mile radius of the Honolulu, Oahu, T.H., RR (centered at latitude 21°19'33'' N., longitude 157°59'15'' W.) beginning at a point at latitude 21°15'-00" N., longitude 158°26'45" W., thence extending clockwise along an arc to a point at latitude 21°15′00″ N., longitude 157°31'45" W., thence westward to a point at latitude 21°15'00" N., longitude 157°36'30" W., thence clockwise along an arc of a 25-mile radius centered on the Honolulu RR to a point at latitude 21°15′00′′ N., longitude 158°22′00′′ W., thence westward to the point of beginning, excluding the portion below 4,000 feet MSL which lies within the geographic limits of Warning Area (W-322 Area D). The portions of this control area extension which lie within the geographic limits of, and between the designated altitudes of, Restricted Areas R-315, R-333, R-335 and R-496 are excluded during the restricted areas' times of designation; and the portions which lie within the geographic limits of, and between the established altitudes of, Warning Areas W-318, W-319 (Area A), W-320 (Area E), W-321 (Area C) and W-334 are excluded during these warning areas' times of established use.

14. Section 601.1459 Control area extension (Galveston, Tex.) is revoked.

15. Section 601.1467 is added to read:

§ 601.1467 Control area extension (Bethel, Alaska).

The airspace within a 25-mile radius of a point at latitude 60°47′08" N., longitude 161°49'20" W.

§ 601.1984 [Amendment]

16. Section 601.1984 Five mile radius zones is amended by deleting the following airports: Bridgeport, Conn.: Bridgeport Municipal Airport; Bethel, Alaska: Bethel Airport.

§ 601.2022 [Amendment]

17. Section 601.2022 Washington, D.C., control zone is amended by changing the words which read: "southwest course of the Washington radio range" to read: 'south course of the Washington RR."

18. Section 601.2078 is added to read:

§ 601.2078 Danville, Va., control zone.

Within a 5-mile radius of Danville Municipal Airport, within 2 miles either side of a 057° bearing extending from the Danville RBN to a point 10 miles northeast, and within 2 miles either side of the Danville TVOR 207° radial extending from the TVOR to a point 10 miles southwest.

19. Section 601.2210 is amended to read:

§ 601.2210 Santa Barbara, Calif., control zone.

Within a 5-mile radius of Santa Bafbara Municipal Airport and within 2 miles either side of a 270° bearing extending from the airport to a point 13 miles west of the airport.

20. Section 601.2272 is amended to read:

§ 601.2272 Wake Island control zone.

Within a 5-mile radius of Wake Island centered on a point at latitude 19°18'00" N., longitude 166°38'00" E. within 2 miles either side of a 101° True bearing extending from the Wake HHW RBN (latitude 19°18'18" N., longitude 166°38'22" E.), to a point 10 miles east, and within 2 miles either side of the 286° and 096° radials of the Wake Island VOR (latitude 19°16′50" N., longitude 166°38′15" E.) extending from the VOR to points 10 miles west and east of the VOR.

§ 601.2321 [Amendment]

21. Section 601.2321 Oxnard, Calif., control zone is amended by changing the words which read: "to the southwestern boundary of Amber civil airway No. 8." to read: "to the southwestern boundary of VOR civil airway No. 27."

22. Section 601.2446 is added to read:

§ 601.2446 Bridgeport, Conn., control zone.

Within a 5-mile radius of the Bridgeport Airport and within 2 miles either side of the Bridgeport VOR 037° radial extending from the VOR to a point 10 miles northeast.

23. Section 601.2447 is added to read:

§ 601.2447 Bethel, Alaska, control zone.

Within a 5-mile radius of a point centered on the new Bethel Municipal Airport, within 5 miles either side of a direct line extending from the center of the new Bethel Municipal Airport and the FAA Bethel Intermediate Field, within 2 miles either side of the Bethel RR southeast course extending from the RR to a point 11½ miles southeast, and within 2 miles either side of a 348° True bearing extending from the Bethel RBN to a point 11½ miles northwest.

24. Section 601.4019 is amended to read:

§ 601.4019 Green civil airway No. 9 (Hawaiian Islands).

The INT of the south course of the Port Allen, Kauai, T.H., RR and the west course of the Honolulu, Oahu, T.H., RR; the INT of the west course of the Honolulu RR and a line bearing 222° from the Kahuku, Oahu, T.H., RBN; Honolulu, Oahu, T.H., RR; the INT of the northeast course of the Honolulu RR and a point at latitude 22°05'00" N., longitude 155°46'00''.

§ 601.4108 [Amendment]

25. Section 601.4108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.) is amended by deleting the following reporting point: "Santa Barbara, Calif., radio range station;".

§ 601.4230 [Amendment]

26. Section 601.4230 Red civil airway No. 30-(Shreveport, La., to Jacksonville, Fla.) is amended before Alexandria, La., radio range station by adding the following compulsory reporting point: "The INT of the south course of the Shreveport, La., RR and the northwest course of the Alexandria, La., RR;".

27. Section 601.4313 is amended to

§ 601.4313 Red civil airway No. 113 (Hawaiian Islands).

The INT of the south course of the Port Allen, Kauai, T.H., RR and a line bearing 253° from the Makapuu Point, Oahu, T.H., RBN; Makapuu Point, Oahu, T.H., RBN.

28. Section 601.6066 is amended to read:

.§ 601.6066 VOR civil airway No. 66 control areas (San Diego, Calif., to Sulphur Springs, Tex.).

All of VOR civil airway No. 66 including a north alternate.

29. Section 601.6078 is amended to read:

§ 601.6078 VOR civil airway No. 78 control areas (Huron, S. Dak., to Eau Claire, Wis.).

All of VOR civil airway No. 78 including a south alternate.

30. Section 601.6134 is amended to

§ 601.6134 VOR civil airway No. 134 control areas (Evergreen, Ala., to Columbus, Ga.).

All of VOR civil airway No. 134.

§ 601.6159 [Amendment]

31. Section 601.6159 is amended by changing the caption to read: "VOR civil airway No. 159 control areas (Miami, Fla., to Birmingham, Ala.)."

32. Section 601.6249 is amended to

read:

§ 601.6249 VOR civil airway No. 249 control areas (Sparta, N.J., to Utica, N.Y.).

All of VOR civil airway No. 249.

33. Section 601.6251 is amended to read:

§ 601,6251 VOR civil airway No. 251 control areas (Front Royal, Va., to Sparta, N.J.).

All of VOR civil airway No. 251.

34. Section 601.6449 is added to read as follows:

§ 601.6449 VOR civil airway No. 449 control areas (Unassigned).

35. Section 601.6450 is added to read:

§ 601.6450 VOR civil airway No. 450 control areas (Muskegon, Mich., to Green Bay, Wis.).

All of VOR civil airway No. 450.

36. Section 601.6451 is added to read:

§ 601.6451 VOR civil airway No. 451 control areas (Unassigned).

37. Section 601.6452 is added to read:

§ 601.6452 VOR civil airway No. 452 control areas (Raton, N. Mex., to Dalhart, Tex.).

All of VOR civil airway No. 452.

38. Section 601.6453 is added to read:

§ 601.6453 VOR civil airway No. 453 control areas (Unassigned).

39. Section 601.6454 is added to read:

§ 601.6454 VOR civil airway No. 454 control areas (Evergreen, Ala., to Charlotte, N.C.).

All of VOR civil airway No. 454 including a north alternate.

§ 601.7001 [Amendment]

40. Section 601.7001 Domestic reporting points is amended by adding the following reporting points:

Chesterfield, S.C., VOR.

Tuskegee, Ala., VOR.
Converse INT: The INT of the Gregg
County, Tex., VOR 123° T and the Shreveport, La., VOR 176° T radials.

and by changing the following reporting points to read:

Greentown INT: The INT of the Wilkes-Barre-Scranton, Pa., VOR 120° T and the Stroudsburg, Pa., VOR 360° T radials.

Hiram INT: The INT of the Youngstown, Ohio, VOR 272° T and the Chardon, Ohio, VOR 146° T radials.

Paterson INT: The INT of the Sparta, N. J., VOR 111° T and the Wilton, Conn., VOR 240° T radials.

Stinson Beach INT: The INT of the Point Reyes, Calif., VOR 155° T and the Sausalito, Calif., VOR 239° T radials.

§ 601.7002 [Amendment]

41. Section 601.7002 Hawaiian reporting points is amended by adding the following reporting points:

Koko Head, Oahu, T.H., VOR.

Shark INT: The INT of the Koko Head, Oahu, T.H., VOR 050° T and the Upolu Point, Hawaii, T.H., VOR 355° T radials.

Sunrise INT: The INT of the Koko Head, Oahu, T.H., VOR 065° T and the Upolu Point, Hawaii, T.H., VOR 003° T radials.

by changing the following reporting point to read:

South Port Allen INT: The INT of the Koko Head, Oahu, T.H., VOR 254° T and the Lihue, Kauai, T.H., VOR 186° T radials.

and by revoking the following reporting points:

Banana INT: The INT of the Honolulu, Oahu, T.H., VOR 061° T and the Molokai, T.H., VOR 314° T radials.

North Maui INT: The INT of the Honolulu, Oahu, T.H., VOR 061° T and the Kahului, Maui, T.H., VOR 352° T radials.

This amendment shall become effective 0001 e.s.t. May 7, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

Issued in Washington, D.C., on April 2, 1959.

> E. R. QUESADA, Administrator.

[F.R. Doc. 59-2879; Filed, Apr. 6, 1959; 8:50 a.m.]

[Amdt. 8]

PART 602—ESTABLISHMENT OF JET ROUTES IN THE CONTINENTAL **CONTROL AREA**

Alterations

This action modifies certain existing jet routes and establishes new jet routes within the continental control area for the expansion of civil jet services between Boston, New York, Chicago, Dallas. Los Angeles and San Francisco. This action has been coordinated with various civil aviation organizations, the Army, the Navy and the Air Force. It will become effective on May 7, 1959. For these reasons, the notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act, in effect, have been compiled with. However, interested persons may submit written data or comments with respect to these designations on or before May 7, 1959, to the Director, Bureau of Air Traffic Management, Federal Aviation Agency. All communications so received will be considered by the FAA and the action taken herein will be re-evaluated in the light of any comments received.

Part 602 is amended as follows:

§ 602.502 [Amendment]

1. Section 602.502 VOR/VORTAC jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.) is amended by changing the portion which reads: "Tucson, Ariz., VOR; Columbus, N. Mex., VOR; El Paso, Tex., VOR;" to read: "Tucson, Ariz., VOR; El Paso, Tex., VOR;".

§ 602.504 [Amendment]

2. Section 602.504 VOR/VORTAC jet route No. 4 (Los Angeles, Calif., to Florence, S.C.) is amended by changing the portion which reads: "Tucson, Ariz., VOR; Columbus, N. Mex., VOR; El Paso, Tex., VOR;" to read: "Tucson, Ariz., VOR; El Paso, Tex., VOR;".

Section 602.506 is amended to read:

§ 602.506 VOR/VORTAC jet route No. 6 (Palmdale, Calif., to New York, Ň.Y.). ~

From the Palmdale, Calif., VOR via the Daggett, Calif., VOR; Prescott, Ariz., VOR; Grants, N. Mex., VOR; Albuquerque, N. Mex., VOR; Amarillo, Tex., VOR; Oklahoma City, Okla., VOR; Little Rock, Ark., VOR; Memphis, Tenn., VOR; Nashville, Tenn., VOR; Charleston, W. Va., VOR; Front Royal, Va., VOR; to the Idlewild, N.Y., VOR.

4. Section 302.508 is amended to read:

§ 602.508 VOR/VORTAC jet route No. 8 (Oklahoma City, Okla., to New York,

From the Oklahoma City, Okla., VOR via the Tulsa, Okla., VOR; Springfield, Mo., VOR; Vichy, Mo., VOR; St. Louis, Mo., VOR; Louisville, Ky., VOR; Charleston, W. Va., VOR; Front Royal, Va., VOR; to the Idlewild, N.Y., VOR.

§ 602.510 [Amendment]

5. Section 602.510 VOR/VORTAC jet route No. 10 (Los Angeles, Calif., to New York, N.Y.) is amended by changing the portion which reads: "Goodland, Kans., VOR;" to read: "Hill City, Kans., VOR;" and by changing the portion which reads: "Indianapolis, Ind., VOR; Dayton, Ohio, VOR; Appleton, Ohio, VOR;" to read: "Indianapolis, Ind., VOR; INT Indianapolis 073° and Appleton 273° radials; Appleton, Ohio, VOR;".

§ 602.512 [Amendment]

6. Section 602.512 VOR/VORTAC jet route No. 12 (Provo, Utah, to Baltimore. Md.) is amended by changing the portion which reads: "Indianapolis, Ind., VOR; Dayton, Ohio, VOR; Appleton, Ohio, VOR;" to read: "Indianapolis, Ind., VOR; INT Indianapolis 073° and Appleton 273° radials; Appleton, Ohio, VOR;".

7. Section 602.519 is amended to read:

§ 602.519 VOR/VORTAC jet route No. 19 (Lake Charles, La., to Omaha, Nebr.).

From the Lake Charles, La., VOR via the Dallas, Tex., VOR; Wichita Falls, Tex., VOR; Garden City, Kans., VOR; to the Omaha, Nebr., VOR.

8. Section 602.528 is amended to read:

§ 602.528 VOR/VORTAC jet/ route No. 28 (Daggett, Calif., to Wichita, Kans.).

From the Daggett, Calif., VOR via the Peach Springs, Ariz., VOR; Farmington, N. Mex., VOR; Pueblo, Colo., VOR; Garden City, Kans., VOR; to the Wichita, Kans., VOR.

§ 602.531 [Revocation]

9. Section 602.531 VOR/VORTAC jet route No. 31 (Lake Charles, La., to Pueblo, Colo.) is revoked.

10. Section 602.531 is added to read: § 602.531 VOR/VORTAC jet route

No. 31 (Dallas, Tex., to Chicago, Ill.).

From the Dallas, Tex., VOR via the Texarkana, Ark., VOR; Flippin, Ark., VOR; St. Louis, Mo., VOR; Springfield, III., VOR; INT Springfield 036° and Joliet 205° radials; to the Joliet, III., VOR.

11. Section 602.542 is amended to read:

§ 602.542 VOR/VORTAC jet route. No. 42 (Dallas, Tex., to New York, N.Y.).

From the Dallas, Tex., VOR via the Texarkana, Ark., VOR; Memphis, Tenn., VOR; Nashville, Tenn., VOR; Charleston, W. Va., VOR; Front Royal, Va., VOR; to the Idlewild, N.Y., VOR.

12. Section 602.558 is amended to read:

§ 602.558 VOR/VORTAC jet route No. 58 (San Francisco, Calif., to Dallas, Tex.).

From the Oakland, Calif., VOR via the Modesto, Calif., VOR; Tonopah, Nev., VOR; Pioche, Nev., VOR; Milford, Utah, VOR; Hanksville, Utah, VOR; Alamosa, Colo., VOR; Amarillo, Tex., VOR; to the Dallas, Tex., VOR.

13. Section 602.579 is amended to read:

§ 602.579 VOR/VORTAC jet route No. 79 (Miami, Fla., to New York, N.Y.).

From the Miami, Fla., VOR to the West Palm Beach, Fla., VOR. From the Wilmington, N.C., VOR via the INT of Wilmington 354° and Norfolk 229° radials; Norfolk, Va., VOR; Salisbury, Md., VOR; Coyle, N.J., VOR; to the Idlewild, N.Y., VOR.

14. Section 602.580 is added to read:

§ 602.580 VOR/VORTAC jet route No. 80 (Denver, Colo., to New York, N.Y.).

From the Denver, Colo., VOR via the Hill City, Kans., VOR; Salina, Kans., VOR; Kansas City, Mo., VOR; St. Louis, Mo., VOR; Indianapolis, Ind., VOR; INT Indianapolis 073° and Appleton 273° radials; Appleton, Ohio, VOR; Pittsburgh, Pa., VOR; Philipsburg, Pa., VOR; Allentown, Pa., VOR; to the Idlewild, N.Y., VOR.

15. Section 602.582 is added to read:

§ 602.582 VOR/VORTAC jet route No. 82 (Chicago, Ill., to Boston, Mass.).

From the Joliet, Ill., VOR via the Cleveland, Ohio, VOR; Erie, Pa., VOR; Albany, N.Y., VOR; INT Albany 084° and Boston 332° radials; to the Boston, Mass., VOR.

This amendment shall become effective 0001 e.s.t. May 7, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

Issued in Washington, D.C., on April 2, 1959.

E. R. QUESADA, Administrator.

[F.R. Doc. 59-2880; Filed, Apr. 6, 1959; 8;50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B-FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFI-NITIONS AND STANDARDS OF IDENTITY

Bakery Products; Effective Date of Order Amending Standards of Identity by Adding Wheat Gluten to List of Optional Ingredients

In the matter of amending the definition and standard of identity for bread:

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (23 F.R. 9500), notice is hereby given that no objections fully meeting the requirements set out in section 701(e) of the act were filed to the order published in the Federal Register of February 4, 1959 (24 F.R. 761). Accordingly, the amendment promulgated by that order is effective on and after April 5, 1959.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: March 31, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of

Food and Drugs.

[F.R. Doc. 59-2850; Filed, Apr. 6, 1959; 8:45 a.m.]

Title 25—INDIANS

Chapter 1—Bureau of Indian Affairs,
Department of the Interior

SUBCHAPTER A-PROCEDURES; PRACTICE

PART 1—RULES OF THE BUREAU OF INDIAN AFFAIRS

PART 3—LIST OF FORMS

There was published in the FEDERAL REGISTER on July 17, 1958 (23 F.R. 5439) notice of intention to add a new Part 1, to Title 25 of the Code of Federal Regulations. Interested persons were given an opportunity to submit views, data and arguments in writing to the Commissioner of Indian Affairs within 30 days of the date of publication of the notice in the FEDERAL REGISTER. No such communications were received.

It has been decided that § 1.2, which would establish a procedure permitting interested persons to petition for the issuance, amendment, or repeal of rules in Title 25, will not be issued as proposed. Instead, a similar provision, applicable to the rules of the Department of the Interior generally, will be issued in the near future.

Section 1.1 is adopted as proposed. In addition, § 3.1 of Part 3, Subchapter A, is redesignated as § 1.2 of Part 1, Subchapter A. Part 3, List of Forms is revoked. Part 1, which reads as follows, shall become effective as of the date of this publication in the Federal Register.

Sec.

1.1 Scope.

1.2 Availability of forms.

AUTHORITY: §§ 1.1 and 1.2 issued under R.S. 161, 5, U.S.C. 22; R.S. 463, 25 U.S.C. 2.

§ 1.1 Scope.

Chapters I and II of this title contain the bulk of the regulations of the Department of the Interior of general application relating to Indian affairs. Subtitle B, Chapter I, Title 43 of the Code of Federal Regulations contains rules relating to the relationship of Indians to public lands and townsites. Subtitle A of-Title 43 of the Code of Federal Regulations has application to certain aspects of Indian affairs and, among other things, governs practice before the Department of the Interior, of which the Bureau of Indian Affairs is a part. Indian health matters are covered in 42 CFR Part 36. Title 30 of the Code of Federal Regulations contains regulations on oil and gas and other mining operations which, under certain circumstances, may be applicable to Indian resources.

§ 1.2 Availability of forms.

Forms upon which applications and related documents may be filed and upon which rights and privileges may be granted may be inspected and procured at the Bureau of Indian Affairs, Washington 25, D.C., and at the office of any Area Director or Agency Superintendent.

FRED A. SEATON, Secretary of the Interior.

APRIL 1, 1959.

[F.R. Doc. 59-2851; Filed, Apr. 6, 1959; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

> SUBCHAPTER A—INCOME TAX [T.D. 6371]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Time for Filing Declarations of Estimated Income

In order to modify the regulations under section 6073 of the Internal Rev-

enue Code of 1954, relating to the time for filing declarations of estimated income tax by individuals, to reflect the admission of the State of Alaska into the Union, and to provide in the regulations under section 6081 of the Internal Revenue Code of 1954, relating to extensions of time for filing returns, a new rule with respect to the place for making application for extension of time for filing a return required to be filed with an Internal Revenue Service Center, the Income Tax Regulations (26 CFR (1954) Part 1) are hereby amended as follows:

Paragraph 1. Section 1.6073-4 is amended by striking out in the last sentence of paragraph (b) thereof the words

"the Territory of".

Par. 2. Section 1.6081-1 is amended by striking out the first sentence of paragraph (b) (1) of such section and inserting in lieu thereof the following: "A taxpayer desiring an extension of the time for filing a return, statement, or other document shall submit an application therefor on or before the due date of such return, statement, or other document. Except in the case of an information return required to be filed with an Internal Revenue Service Center, the application for extension of the time for filing a return, statement, or other document shall be made to the internal revenue officer with whom such return, statement, or other document is required to be filed. In the case of an information return required to be filed with an Internal Revenue Service Center, the application for extension of the time for filing any such return shall be made to the internal revenue officer with whom the person required to file such return is required to file his income tax return or with whom he would be required to file an income tax return if such a return were required of him."

Because this Treasury decision makes only clarifying and procedural changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL]

CHARLES I. Fox, Acting Commissioner of Internal Revenue.

Approved: April 1, 1959.

Fred C. Scribner, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-2869; Filed, Apr. 6, 1959; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I-Veterans Administration

PART 36—LOAN GUARANTY Miscellaneous Amendments

1. Delete the headnotes "Part 36— Servicemen's Readjustment Act of 1944", "Subpart A—Title III; Loan Guaranty"

and "Subpart B—Title V; Readjustment Allowance" and add the headnote "Part 36—Loan Guaranty."

2. Immediately following the Centerhead "Guaranty or Insurance of Loans to Veterans", the note is revised to read as follows:

Note: Those requirements, conditions, or limitations which are expressly set forth in 38 U.S.C. Ch. 37 are not restated herein and must be taken into consideration in conjunction with §§ 36.4300 to 36.4375, inclusive.

3. Section 36.4300 is revised to read as follows:

§ 36.4300 Applicability of §§ 36.4300 to 36.4375, inclusive.

(a) Sections 36.4300 to 36.4375, inclusive, shall be applicable to each loan entitled to an automatic guaranty, or otherwise guaranteed or insured, on or after the date of publication thereof in the Federal Register, and shall be applicable to such loans previously guaranteed or insured to the extent that no legal rights vested thereunder are impaired.

(b) Title 38, U.S.C. Ch. 37 is a continuation and restatement of the provisions of title III of the Servicemen's Readjustment Act of 1944, and may be considered an amendment to such title III. References in the regulations concerning guaranty or insurance of loans to veterans to the sections or chapters of Title 38, United States Code, shall, where applicable, be deemed to refer to the prior corresponding provisions of the law.

4. Section 36.4301 is revised to read as follows:

§ 36.4301 Definitions.

Wherever used in 38 U.S.C. Ch. 37 or §§ 36.4300 to 36.4375, inclusive, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized by him to act in his stead.

(b) "Alterations" mean any structural changes or additions to existing realty or any modifications that increase the usefulness or efficiency of equipment or machinery used for farm or business purposes.

(c) "Combination loan" means any obligation the proceeds of which are expended for more than one purpose which are severally definable as "real estate loans" and "non-real estate loans."

(d) "Conducted by a veteran" (38 U.S.C. 1812) means personally performed, directed, or operated by him on a full- or part-time basis, with or without hired labor, not solely operated by a tenant or an employee who does not receive the direction and supervision of the veteran.

(e) "Cost" means the entire consideration paid or payable for or on account of the application of materials and labor to tangible property.

(f) "Date of first uncured default" means the due date of the earliest payment not fully satisfied by the proper application or available credits or deposits.

(g) "Default" means failure of a borrower to comply with the terms of a loan agreement.

(h) "Designated appraiser" means a person requested by the Administrator to render an estimate of the reasonable value of a property, or of a specified type of property, within a stated area for the purpose of justifying the extension of credit to an eligible veteran for any of the purposes stated in 38 U.S.C. Ch. 37. An appraiser on a fee basis is not an agent of the Administrator.

agent of the Administrator.
(i) "Dwelling" means any building designed primarily for use as a home consisting of not more than four family units plus an added unit for each veteran if more than one eligible veteran participates in the ownership thereof.

(j) "Economic readjustment" means rearrangement of an eligible veteran's indebtedness in a manner calculated to enable him to meet his obligations and thereby avoid imminent loss of the property which secures the delinquent obligation.

(k) "Engaging in business" or "pursuing a gainful occupation" (38 U.S.C. 1813) means active participation in the operation, management, and supervision of an enterprise or practice of a profession or trade, on a full- or part-time basis.

(I) "Farm" means any real estate suitable or adaptable for farming operations.

(m) "Farming operations" means activities justifying capital expenditures which involve production of crops, livestock, or other agricultural commodities and the marketing thereof and their products in amounts in excess of the subsistence needs of the operator.

(n) "Full disbursement" means payment by a lender of the entire proceeds of a loan for the purposes described in the report of the lender in respect of such loan to the Administrator either (1) by payment to those contracting with the borrower for such purposes, or (2) by payment to the borrower, or (3) by transfer to an account against which he can draw at will, or (4) by transfer to an escrow account, or (5) by transfer to an earmarked account if (i) the amount thereof is not in excess of 10 percent of the loan, or (ii) the loan is one submitted by a lender of the class specified in 38 U.S.C. 1802(d) or 1815(a).

(o) "Guaranty" means the obligation of the United States, assumed by virtue of 38 U.S.C. Chapter 37, to repay a specified percentage of a loan upon the default of the primary debtor.

(p) "Holder" means the lender or any subsequent assignee or transferee of the guaranteed or insured obligation.

(q) "Home" means place of residence.
(r) "Improvements" means any alteration that improves the property for the purpose for which it is occupied, oper-

ated, or employed.

(s) "Indebtedness" means the unpaid principal and interest plus any other amounts allowable under the terms of a loan including those authorized by statute and consistent with §§ 36.4300 to 36.4375, inclusive, which have been paid and debited to the loan account.

(t) "Insurance" means the obligation assumed by the United States to indem-

nify a lender to the extent specified in §§ 36.4300 to 36.4375, inclusive, for any loss incurred upon any loan insured under 38 U.S.C. 1815.

(u) "Insurance account" means the record of the amount available to a lender or purchaser for losses incurred on loans insured under 38 U.S.C. 1815.

(v) "Lender" means the payee or assignee or transferee of an obligation at the time it is guaranteed or insured.

- (w) "Lien" means any interest in, or power over, real or personal property, reserved by the vendor, or created by the parties or by operation of law, chiefly or solely for the purpose of assuring the payment of the purchase price, or a debt, and irrespective of the identity of the party in whom title to the property is vested, including but not limited to mortgages, deeds with a defeasance therein or collaterally, deeds of trust, security deeds, mechanics' liens, lease-purchase contracts, conditional sales contracts, consignments.
- (x) "Non-real estate loan" means any obligation incurred for the purchase, alteration, improvement, or repair of personal property; or any loan which is not a real estate loan.
- (y) "Purchase price" means the entire legal consideration paid or payable upon or on account of the sale of property, exclusive of acquisition costs, or for the cost of materials and labor to be applied thereto.
- (z) "Real estate loan" means any obligation incurred for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements, or repairs thereon required by §§ 36.4300 to 36.4375, inclusive, to be secured by a lien on such property or is so secured.

(aa) "Reasonable value" means that figure which represents the amount a reputable and qualified appraiser, unaffected by personal interest, bias, or prejudice, would recommend to a prospective purchaser as a proper price or cost in the light of prevailing conditions.

(bb) "Repairs" mean any alteration of existing realty, machinery, or equipment which is necessary or advisable for protective, safety, or restorative purposes.

(cc) "Residential property" means (1) any improved real property or leasehold estate therein as limited by §§ 36.4300 to 36.4375, inclusive, the primary use of which is for occupation as a home, consisting of not more than four family units, plus an added unit for each eligible veteran if more than one participates in the ownership thereof; or (2) any land to be purchased out of the proceeds of a loan for the construction of a dwelling, and on which such dwelling is to be erected.

(dd) "Repossession-repossessed" means recovery or acquisition of such physical control of property (pursuant to the provisions of the security instrument or as otherwise provided by law) as to make further legal or other action unnecessary in order to obtain actual possession of the property or to dispose of the same by sale or otherwise.

(ee) "Net loss" (insured loans) means the indebtedness, plus any other charges authorized under § 36.4313, remaining unsatisfied after the liquidation of all available security and recourse to all intangible rights of the holder against those obligated on the debt.

(ff) "Registered mail". The term "registered mail" wherever used in the regulations concerning guaranty or insurance of loans to veterans shall include certified mail.

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5. In § 36.4302, paragraphs (a) (1), (2) and (3), (b), (c) and (h) are amended to read as follows:

§ 36.4302 Computation of guaranties or insurance credits.

- (a) For the purpose of computing guaranty in respect to a loan to a veteran, the following maxima cannot be exceeded:
- (1) Loans under 38 U.S.C. 1810: Sixty percent of the original principal amount, or \$7,500, whichever is less.
- (2) Real estate loans except loans under 38 U.S.C. 1810: Fifty percent of the original principal amount, or \$4,000, whichever is less.
- (3) Non-real estate loans except loans under 38 U.S.C. 1810: Fifty percent of the original principal amount, or \$2,000, whichever is less.
- (b) An amount equal to 15 percent of the original principal amount of each insured loan shall be credited to the insurance account of the lender and shall be charged against the guaranty entitlement of the borrower: *Provided*, That no loan may be insured unless the borrower has sufficient entitlement remaining to permit such credit, and that the aggregate use of entitlement consequent on such insurance credit shall not exceed the maxima prescribed in 38 U.S.C. 1803 (b) for other than loans under 38 U.S.C. 1810 and 1811.
- (c) Subject to the provisions of paragraph (g) of § 36.4303, the following formula shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty twice the amount previously used for nonrealty purposes. Subtract this sum from \$4,000. The sum remaining is the amount available for the guaranty or insurance of a real estate loan other than a loan under 38 U.S.C. 1810 and one-half of such sum is available for a non-real estate loan. For the purpose of ascertaining the amount of guaranty entitlement which remains available for a loan under 38 U.S.C. 1810 after prior use of entitlement, add to the amount of such entitlement previously used for realty twice the amount previously used for nonrealty purposes. Subtract this sum from \$7,500. The sum remaining is the amount of entitlement available for loans under 38 U.S.C. 1810.
- (h) Notwithstanding the provisions of paragraph (g) of this section, if real or personal property acquired or improved with the proceeds of a guaranteed or insured loan be thereafter:

- (1) Taken (by condemnation or otherwise) by the United States or any State or local government agency for public use; or
- (2) Destroyed or damaged by fire or other natural hazard to the extent that occupancy, use, or restoration is impractical, and which destruction or damage is not resultant from an act or omission willfully designed by the veteran to bring about such destruction or damage; or
- (3) Disposed of because of other compelling reasons devoid of fault on the part of the véteran;
- the Administrator in the exercise of discretion in any such case may exclude the entitlement used in respect to such loan, and the entitlement so excluded shall be disregarded in determining the subsequent use of entitlement by the veteran except for the calculation of the gratuity payable on a new loan. This paragraph shall be construed to authorize the exclusion of guaranty or insurance entitlement used on a home loan obtained by a veteran, and with respect to which the real property which served as security for the loan was disposed of because the veteran, while in the military service, was transferred by the military department with which he was serving. Exclusion of entitlement used in connection with a guaranteed or insured loan shall not be authorized so long as the Administrator remains liable thereon as a guarantor or insurer.
- 6. In § 36.4303, paragraphs (a), (b), (c), (d) (4), and (f) are amended to read as follows:

§ 36.4303 Reporting requirements.

- (a) With respect to loans automatically guaranteed under 38 U.S.C. 1803 (a) (1), evidence of the guaranty will be issuable to a lender of a class described under 38 U.S.C. 1803(d) if the loan is reported to the Administrator within 30 days following full disbursement, and upon the certification of the lender that:
- (1) No default exists thereunder which has continued for more than 30 days:
- (2) Any construction, repairs, alterations, or improvements effected subsequent to the appraisal of reasonable value, and paid for out of the proceeds of the loan, which have not been inspected and approved upon completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based, and any deviations or changes of identity in said property having been approved as required in § 36.4304-concerning guaranty or insurance of loans to veterans:
- (3) The loan conforms otherwise with the applicable provisions of 38 U.S.C. Ch. 37 and of the regulations concerning guaranty or insurance of loans to veterans;

Provided, however, That if the report shows that any part of the proceeds of a loan is held in escrow or earmarked as provided in the definitions of "full disbursement" contained in the regulations concerning guaranty or insurance of loans to veterans, approval of the loan

for guaranty or insurance shall be evidenced by a certificate of commitment.

- (b) Loans made pursuant to 38 U.S.C. 1815 although not entitled to automatic insurance thereunder may, when made by a lender of a class described in 38 U.S.C. 1802(d), be reported for issuance of an insurance credit, or a certificate of commitment as provided in paragraph (a) of this section.
- (c) Each loan proposed to be made to an eligible veteran by a lender not within a class described in 38 U.S.C. 1802(d) shall be submitted to the Administrator for approval prior to closing. Lenders described in 38 U.S.C. 1802(d) shall have the optional right to submit any loan for such prior approval. The Administrator upon determining any loan so submitted to be eligible for a guaranty, or for insurance, will issue a certificate of commitment with respect thereto.
- (4) That the loan conforms otherwise with the applicable provisions of 38 U.S.C. Ch. 37 and the regulations concerning guaranty or insurance of loans to veterans.
- (f) Evidence of a guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or by a separate certificate at the option of the lender. Notice of credit to an insurance account will be given to the lender. Unused certificates of eligibility issued prior to March 1, 1946, are void. In the event loans are reported to the Administrator for guaranty or insurance in respect to which entitlement of the veteran shall not have been reserved. any unused or unreserved entitlement of a veteran shall be applied to the loans in the order they are reported to, or made by, the Administrator. Entitlement reserved by the Administrator may not be so applied or otherwise used until released by the lender for whose benefit the reservation is outstanding. No certificate of commitment shall be issued and no loan shall be guaranteed or insured unless the lender, the veteran, and the loan are shown to be eligible; nor shall guaranty or insurance evidence be issued on any loan for the purchase or construction of residential property, or for the alteration, improvement or repair thereof, if the application of the veteran to a lender for such loan was made on or after September 15, 1956, unless the Administrator determines that there has been compliance by the veteran with the certification requirements of 38 U.S.C. 1804(c).
- 7. In § 36.4305, paragraph (d) is amended to read as follows:

§ 36.4305 Partial disbursement.

- (d) There has been full compliance with the provisions of 38 U.S.C. Ch. 37 and of the applicable regulations up to the time of the last disbursement.
- 8. In § 36.4306, paragraph (a) (4) is amended to read as follows:

- § 36.4306 Refunding of outstanding indebtedness.
- (a) * * *
- (4) Such obligation is eligible under 38 U.S.C. 1814, or
- 9. § 36.4307, paragraphs (a) and (c) (1) are amended to read as follows: § 36.4307 Joint loans.
- (a) Except as provided in paragraph (b) of this section, the prior approval of the Administrator is required in respect to any loan to be made to two or more borrowers who become jointly and severally liable, or jointly liable therefor, and who will acquire an undivided interest in the property to be purchased or who will otherwise share in the proceeds of the loan, or in respect to any loan to be made to an eligible veteran whose interest in the property owned, or to be acquired with the loan proceeds, is an undivided interest only, unless such interest is at least a 50 percent interest in a partnership or more than a 50 percent interest in a corporation (§ 36.4344). The amount of the guaranty or insurance credit shall be computed in such cases only on that portion of the loan allocable to the eligible veteran which, taking into consideration all relevant factors, represents the proper contribution of the veteran to the transaction. Such loans shall be secured to the extent required by 38 U.S.C. Ch. 37 and the regulations concerning guaranty or insurance of loans to veterans.
 - (c) * * * * * * *
- (1) Prepayments made expressly for credit to that portion of the indebtedness allocable to the veteran (including the gratuity paid pursuant to former provisions of law), shall be applied to such portion of the indebtedness. All other payments shall be applied ratably to those portions of the loan allocable respectively to the veteran and to the other debtors
- 10. In § 36.4309, paragraph (d) is amended to read as follows:

§ 36.4309 Amortization.

(d) Subject to paragraph (a) of this section, any amounts which under the terms of a loan do not become due and payable on or before the last maturity date permissible for loans of its class under the limitations contained in 38 U.S.C. Ch. 37 shall automatically fall due on such date. (See § 36.4334.)

11. In § 36.4311, paragraphs (a) and (c) are amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real estate loans insured under 38 U.S.C. 1815, the interest rate on any loan guaranteed or insured wholly or in part may not exceed 434 per centum per annum on the unpaid principal balance: *Provided*, That if a certificate of commitment was issued by the Administrator prior to April 1, 1958, the interest rate chargeable on the loan to which the certificate relates may not exceed 4½ per centum per annum.

- (c) Interest in excess of the applicable rate specified in 38 U.S.C. Ch. 37 shall not be payable on any advance, or in the event of any delinquency or default: *Provided*, That a late charge not in excess of an amount equal to 4 percent on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.
- 12. In § 36.4312, paragraph (b) and the headnotes of Parts I, II, III and IV of paragraph (d) are amended to read as follows:

§ 36.4312 Allowable charges and fees.

(b) Brokerage or other charges shall not be made against the veteran for obtaining any guaranty or insurance under 38 U.S.C. Ch. 37, nor shall any premiums for insurance on the life of the borrower be paid out of the proceeds of a loan, except that there may be paid out of the proceeds of a nonrealty loan for farm or business purposes premiums on insurance not in excess of the amount of the loan and for a period not in excess of 2 years, or the term of the loan, whichever is less.

(d) * * *

PART I—LOANS FOR THE PURCHASE, COn-STRUCTION, REPAIR, ALTERATION, OR IM-PROVEMENT OF RESIDENTIAL PROPERTY (38 U.S.C. 1810)

PART II—LOANS FOR THE PURCHASE, CON-STRUCTION, REPAIR, ALTERATION, OR IM-PROVEMENT OF FARM OR BUSINESS REALTY (38 U.S.C. 1812 AND 1813)

PART III—NON-REAL ESTATE LOANS FOR FARM OR BUSINESS PURPOSES (38 U.S.C. 1812 AND 1813)

*

PART IV—LOANS TO REFINANCE DELINQUENT INDEBTEDNESS (38 U.S.C. 1814)

13. In § 36.4314, paragraph (c) is amended to read as follows:

§ 36.4314 Extensions and reamortizations.

(c) In the event an additional loan is proposed to be made pursuant to \$36.4351 for the repair, alteration, or improvement of real property on which there is an existing loan guaranteed or insured under 38 U.S.C. Ch. 37, the terms of repayment of the prior loan may, by written agreement between the holder and the debtor, be-recast to combine the schedule of repayments on the two loans, provided the entire indebtedness is repayable within the permissible maximum maturity of the original loan.

14. In § 36.4315, paragraph (a) is amended to read as follows:

§ 36.4315 Reporting of defaults.

The holder of any guaranteed or insured loan shall give notice to the Administrator within 45 days after any debtor:

(a) Is in default by reason of nonpayment of any installment for a period of 60 days from the date of first uncured default (see § 36.4301(f)); or

15. In § 36.4320, paragraphs (h) (5) and (j) are amended to read as follows: § 36.4320 Sale of security.

. • (h) The conveyance or transfer of any property to the Administrator pursuant to paragraph (a), (b), or (c) of this section shall be subject to the following ' provisions:

(5) Each conveyance or transfer of real property to the Administrator pursuant to this section shall be acceptable if the holder thereby covenants or warrants against the acts of himself and those claiming under him (e.g., by special warranty deed) and if it vests in the Administrator or will entitle him to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated: Provided, That, as to home loans guaranteed or insured subsequent to February 15, 1950, any title which is subject to restrictions against sale or occupancy on the ground of race, color, or creed, which have been created and filed of record subsequent to that date shall not be acceptable under this section. Any title so acceptable will not be unacceptable to the Administrator by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350(b): Provided, That (i) at the time of the conveyance or transfer to the Administrator there has been no breach of any conditions affording a right to the exercise of any reverter, and (ii) with respect to any such limitations which came into existence subsequent to the making of the loan, full compliance was had with the requirements of § 36.4324. The acceptability of a conveyance or transfer pursuant to the requirements of this paragraph will be established by delivery to the Administrator of any of the following evidences of title issued by an institution or person satisfactory to the Administrator, in form satisfactory to him, showing that title to the property of the quality specified in this paragraph is or will be yested in the Administrator:

(a) A title policy insuring the Administrator in an amount approximately equal to the consideration for the property, or a commitment therefor: or

(b) A certificate of record title; or (c) An abstract of title accompanied by a legal opinion as to the quality of such title of record; or

(d) A Torrens or similar title certificate: or

(e) Such other evidence of title as the Administrator may approve.

In lieu of such title evidence, the Administrator will accept a conveyance or transfer with general warranty with respect to the title from a holder described in 38 U.S.C. 1802(d) or from a holder of financial responsibility satisfactory to the Administrator. In any case where the holder does not deliver evidence of title of the character specified in this subparagraph, the holder to aid the Administrator in his determination of acceptability of title shall without ex-

pense to the Administrator furnish such evidence of title, including survey, if any, as may have been obtained by the holder incident to the making of the loan or attendant to the foreclosure.

(j) Except as provided in pargaraph (h) (6) of this section, the provisions of this section shall not be in derogation of any rights which the Administrator may have under § 36.4325. The Chief Benefits Director, or the Director, Loan Guaranty Service, may authorize any deviation from the provisions of this section, within the limitations prescribed in 38 U.S.C. chapter 37, which may be necessary or desirable to accomplish the objectives of this section if such deviation is made necessary by reason of any laws or practice in any State or Territory or the District of Columbia: Provided, That no such deviation shall impair the rights of any holder not consenting thereto with respect to loans made or approved prior to the date the holder is notified of such action.

16. In § 36.4323, paragraphs (e) and (f) are amended to read as follows:

§ 36.4323 Subrogation and indemnity. *****

(e) Any amounts paid by the Administrator on account of the liabilities of any veteran guaranteed or insured under the provisions of 38 U.S.C. Ch. 37 shall constitute a debt owing to the United States by such veteran.

(f) Whenever any veteran disposes of residential property securing a guaranteed or insured loan obtained by him under 38 U.S.C. Ch., 37, the Administrator, upon application made by such veteran, shall issue to the veteran a release relieving him of all further liability to the Administrator on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Administrator has determined, after such investigation as he may deem appropriate, that there has been compliance with the conditions prescribed in 38 U.S.C. 1817. The assumption of full liability for repayment of the loan by the transferee of the property must be evidenced by the transferee's execution of an agreement in writing in. such form as the Administrator may require. Release of the veteran from liability to the Administrator will not impair or otherwise affect the Administrator's guaranty or insurance liability on the loan, or the liability of the veteran to the holder. Any release of liability granted to a veteran by the Administrator shall inure to the spouse of such veteran. The release of the veteran from liability to the Administrator will constitute the Administrator's prior approval to a release of the veteran from liability on the loan by the holder thereof.

17. In § 36.4324, paragraph (f) is amended to read as follows:

§ 36.4324 Release of security.

(f) The release of the personal liability of any obligor on a guaranteed or insured obligation resultant from 38 Ch. 37 or the regulations concerning

U.S.C. Ch. 37 or omission of any holder without the prior approval of the Administrator shall release the obligation of the Administrator as guarantor or insurer, except when such act or omission consists of (1) failure to establish the debt as a valid claim against the assets of the estate of any deceased obligor, provided no lien for the guaranteed or insured debt is thereby impaired or destroyed; or (2) an election and appropriate prosecution of legally available effective remedies with respect to the repossession or the liquidation of the security in any case, irrespective of the identity or the survival of the original or of any subsequent debtor, if holder shall have given such notice as required by § 36.4317 and if,-after receiving such notice, the Administrator shall have failed to notify the holder within 15 days to proceed in such manner as to effectively preserve the personal liability of the parties liable, or such of them as the Administrator indicates in such notice to the holder; or (3) the release of an obligor, or obligors, from liability on an obligation secured by a lien on property, which release is an incident of and contemporaneous with the sale of such property to an eligible veteran who assumed such obligation, which assumed obligation is guaranteed on his account pursuant to the act; or (4) the release of an obligor or obligors as provided in § 36.4314(d).

18. In § 36.4325, that portion of paragraph (a) preceding subparagraph (1) and paragraph (b) are amended to read as follows:

§ 36.4325 Partial or total loss of guaranty or insurance.

(a) Subject to the incontestable provisions of 38 U.S.C. 1821 as to loans guaranteed or insured on or subsequent to July 1, 1948, there shall be no liability on account of a guaranty or insurance, or any certificate or other evidence thereof, with respect to a transaction in which a signature to the note, the mortgage, or any other loan papers, or the application for guaranty or insurance is a forgery; or in which the certificate of discharge or the certificate of eligibility is counterfeited, or falsified, or is not issued by the Government.

. (b) In taking security required by 38 U.S.C. Ch. 37 and the regulations concerning guaranty or insurance of loans to veterans, a holder shall obtain the required lien on property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated: Provided. That a title will not be unacceptable by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350(b) and if such holder fails in this respect or fails to comply with 38 U.S.C. Ch. 37 and the regulations concerning guaranty or insurance of loans to veterans with respect to:

(1) Obtaining and retaining a lien of the dignity prescribed on all property upon which a lien is required by 38 U.S.C.

guaranty or insurance of loans to veterans,

- (2) Inclusion of power to substitute trustees (§ 36.4327),
- (3) The procurement and maintenance of insurance coverage (§ 36.4326),
- (4) Advice to Administrator as to default (§ 36.4315),
- (5) Notice of intention to begin action (§ 36.4317),
- (6) Notice to the Administrator in any suit or action, or notice of sale (§36.4319).
- (7) The release, conveyance, substitution, or exchange of security (§ 36.4324),
- (8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328).
- (9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agree-
- (10) The taking into consideration of limitations upon the quantum or quality of the estate or property (§ 36.4350(b)),
- (11) Any other requirement of 38 U.S.C. Ch. 37 or the regulations concerning guaranty or insurance of loans to veterans which does not by the terms of said chapter or the regulations concerning guaranty or insurance of loans to veterans result in relieving the Admisistrator of all liability with respect to the loan.

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred. or in respect to which an unwillful misrepresentation occurred, until the amount by which the ultimate liability of the Administrator would thereby be increased has been ascertained. The burden of proof shall be upon the holder to establish that no increase of ultimate liability is attributable to such failure or misrepresentation. The amount of increased liability of the Administrator shall be offset by deduction from the amount of the guaranty or insurance otherwise payable, or if consequent upon loss of security shall be offset by crediting to the indebtedness the amount of the impairment as proceeds of the sale of security in the final accounting to the Administrator. To the extent the loss resultant from the failure or misrepresentation prejudices the Administrator's right of subrogation acceptance by the holder of the guaranty or insurance payment shall subordinate the holder's right to those of the Administrator.

19. Section 36.4329 is revised to read as follows:

§ 36.4329 Geographical limits.

Any real property purchased, constructed, altered, improved, or repaired with the proceeds of a guaranteed or insured loan, and the principal place of business of any enterprise in connection with which a loan is obtainable under 38 U.S.C. 1813 or 1814, shall be situated within the United States, which for purposes of 38 U.S.C. Ch. 37 is here defined as the several States, territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) are amended to read as follows:

§ 36.4331 Disqualification of lenders.

(a) A lender or holder may be suspended from obtaining guaranty or insurance of loans or from the right to the guaranty or insurance in respect to any loan purchased after the date of its suspension, except as provided in paragraph (h) of this section, whenever any of the employees designated in § 36.4342(b) finds that the lender or holder (hereinafter referred to as lender) has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government., Suspension of a lender shall be effected only when specifically authorized by the Administrator, the Deputy Administrator, or by the Chief Benefits Director, Department of Veterans Benefits. In any case in which suspension has been so authorized and an indictment has been secured or a criminal information has been filed against the lender in connection with a transaction involving 38 U.S.C. Ch. 37, an immediate suspension may be effected. In any other case in which the Manager of a regional office has obtained Central Office authorization to initiate suspension proceedings, prior written notice of intention to apply the suspension sanction shall be furnished to the lender concerned.

(e) Where suspension is effected, the lender will be advised in writing of the effective date of the suspension and, unless such was previously furnished, will be given written notice of the charges against the lender, and the specifications on which such charges are based. Any lender who is suspended shall have the right to apply to the Chief Benefits Director for termination or modification of the suspension and for a formal hearing at which opportunity shall be afforded to show why suspension should be modified or terminated. The Chief Benefits Director may postpone the holding of a hearing for a reasonable period in any case in which the Department of Justice or United States Attorney advises or requests postponement pending the trial of a criminal or civil case or the institution of criminal or givil proceedings against the lender. In the absence of such request, the Chief Benefits Director, as soon as he may deem it feasible to do so, shall designate such time and place as he may deem appropriate for such hearing, shall notify the lender thereof, and shall appoint not less than three persons, who shall constitute the board, to conduct the hearing. The Chief Attorney or his designee shall represent the Veterans Administration. Authority is hereby delegated to the chairman of the board designated to conduct such hearing to administer oaths to witnesses. Manager may issue subpenas for witnesses or records as provided in 38 U.S.C. 3311. The lender shall have the right to appear at such hearing in person or by

20. In § 36.4331, paragraphs (a) and attorney, or both, and to introduce evidence showing why such suspension should be modified or terminated. If the Veterans Administration has knowledge of a pending or contemplated civil or criminal action by the United States against the lender, arising from the facts on which the suspension of the lender was based, the Chief Attorney of the regional office concerned will inform the responsible United States Attorney of the date and place of hearing and keep him advised of all developments.

> 21. Section 36.4334 is revised to read as follows:

§ 36.4334 Incorporation by reference.

Regulations issued under 38 U.S.C. Ch. 37 and in effect on the date of any loan which is submitted and accepted or approved for a guaranty or for insurance thereunder, shall govern the rights, duties, and liabilities of the parties to such loan and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform thereto.

22. In § 36.4340, paragraph (a) is amended as follows:

§ 36.4340 Restriction on designated fee appraisers.

- (a) A designated fee appraiser shall not make an appraisal, excepting of alterations, improvements, or repairs to real property entailing a cost of not more than \$2,500, if such appraiser is an officer, director, trustee, employer, or employee of the lender, contractor, or vendor: Provided, That appraisals of non-real estate loans may be made by an officer, director, trustee, employer, or employee of a lender of a class specified in 38 U.S.C. 1802(d) or 1815.
- 23. In § 36.4342, paragraphs (a) and (c) are amended to read as follows:

§ 36.4342 Delegation of authority.

(a) Except as hereinafter provided. each employee of the Veterans Administration heretofore or hereafter appointed to, or lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to the guaranty or in-surance of loans and the rights and liabilities arising therefrom, including but not limited to the adjudication and allowance, disallowance, and compromise of claims; the collection or compromise of amounts due, in money or other property; the extension, rearrangement. or acquisition of loans; the management and disposition of secured and unsecured notes and other property; and those functions expressly or impliedly embraced within paragraphs (2) to (6), inclusive, of 38 U.S.C. 1820(a). Incidental to the exercise and performance of the powers and functions hereby delegated, each such employee is authorized to execute and deliver (with or without acknowledgment) for, and on behalf of, the Administrator, evidence of guaranty or of insurance credits and such

certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental, or other disposition of real or personal property, or, of any right, title, or interest therein, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments, and releases; and to approve disbursements to be made for any purpose authorized by 38 U.S.C. Ch. 37.

(c) Nothing in this section shall be' construed (1) to authorize any such employee to exercise the authority vested in the Administrator under 38 U.S.C. 210(c) or 1815(b), or to sue, or enter appearance for and on behalf of the Administrator, or confess judgment against him in any court without his prior authorization; or (2) to include the authority to exercise those powers delegated to the Chief Benefits Director, or the Director, Loan Guaranty Service, under §§ 36.4320(j), 36.4335, 36.4343, or 36.4344: Provided, That, anything in the regulations concerning guaranty or insurance of loans to veterans to the contrary notwithstanding, any evidence of guaranty or insurance issued on or after July 1, 1948, by any of the employees designated in paragraph (b) of this section or by any employee designated an authorized agent or a loan guaranty agent shall be deemed to have been issued by the Administrator, subject to the defenses reserved in 38 U.S.C. 1821.

24. In § 36.4343, paragraph (a) is amended as follows:

§ 36.4343 Loans which may not be processed automatically.

(a) Any loan, which is (1) related to an enterprise in which more than 10 individuals will participate; or (2) to be made for the purchase or construction of residential units in any housing development, cooperative or otherwise, the title to which development or to the individual units therein is not to be held directly by the veteran-participants, or which contemplates the ownership or maintenance of more than 3 units or of their major appurtenances in common; or (3) to be made for business or farm purposes in the amount of \$25,000 or more, to be eligible for guaranty or insurance shall require prior approval of the Chief Benefits Director, or the Director, Loan Guaranty Service, who may issue such approval upon such conditions and limitations as he may deem appropriate, not inconsistent with the provisions of 38 U.S.C. Ch. 37 and the regulations concerning guaranty or insurance of loans to veterans.

25. Sections 36.4346, 36.4347 and 36.4348 are revised to read as follows:

§ 36.4346 Purchase, construction, or improvement of a farmhouse.

No loan for constructing or improving a farmhouse shall be eligible for guaranty or insurance pursuant to 38 U.S.C. 1812(c) unless approved by the Administrator prior to disbursement. § 36.4347 Minimum property and construction requirements.

No loan for the purchase or construction of residential property shall be eligible for guaranty or insurance unless such property complies or conforms with those standards of planning, construction, and general acceptability that may be applicable thereto and prescribed by the Administrator pursuant to 38 U.S.C. 1804(a).

§ 36.4348 Purchase, construction, alteration, improvement, or repair loans made under 38 U.S.C. 1810.

Loans for the purchase, construction, alteration, improvement, or repair of residential property (including a farm residence) shall be ineligible for guaranty or insurance under 38 U.S.C. 1810 if made in combination with a loan under 38 U.S.C. 1812 or 1813. A loan to refinance delinquent indebtedness pursuant to 38 U.S.C. 1814 may not be guaranteed under 38 U.S.C. 1810.

26. In § 36.4350, subparagraph (2) of paragraph (a) and that portion of paragraph (b) following subparagraph (7) are amended to read as follows:

§ 36.4350 Estate of veteran in real property.

(a) * * *

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien; however, a leasehold estate which is not freely assignable and transferable will be considered an acceptable estate if it is determined by the Chief Benefits Director, or the Director, Loan Guaranty Service, (i) that such type of leasehold is customary in the area where the property is located, (ii) that a veteran or veterans will be prejudiced if the requirement for free assignability is adhered to and, (iii) that the assignability and other provisions applicable to the leasehold estate are sufficient to protect the interests of the veteran and the Government and are otherwise acceptable; or

(b) * * * Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph. insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. Ch. 37: And provided further, That, as to home loans guaranteed or insured subsequent to February 15, 1950, the title to any such property or estate shall not be acceptable under § 36.4320(h) if it is subject to restrictions against sale or occupancy on the ground of race, color, or creed, which have been created and filed of record subsequent to that date.

27. In § 36.4351, paragraph (c) is amended to read as follows:

§ 36.4351 Loans, first, second, or unsecured.

(c) Neither paragraph (a) nor (b) of this section shall be applicable to any loan to be guaranteed or insured pursuant to 38 U.S.C. 1812(c) for the construction or improvement of a "farmhouse" unless otherwise stated incident to the prior approval required by \$ 36.4346.

28. Section 36.4353 is revised to read as follows:

§ 36.4353 Combination residential and business property.

If otherwise eligible, a loan for the purchase or construction of a combination of residential property and business property which the veteran proposes to occupy in part as a home will be eligible under 38 U.S.C. 1810 if the property is primarily for residential purposes and no more than 1 business unit is included in the property. A loan for the purchase or construction of residential property containing more than 4 separate family units plus an added unit for each veteran participating in the ownership thereof, or more than 1 business unit, must be classed as a business loan and satisfy the requirements of eligibility prescribed under 38 U.S.C. 1813.

29. In § 36.4355, paragraph (a)(2) is amended to read as follows:

§ 36.4355 Supplmental loans.

(a) * * *

(2) The loan will be made by a lender not of a class specified in 38 U.S.C. 1802(d); or

§ 36.4360 [Revocation]

30. Section 36.4360 is revoked.

31. Section 36.4362 is revised to read as follows:

§ 36.4362 Requirement of construction warranty.

Each certificate of reasonable value issued by the Administrator relating to a proposed or newly constructed dwelling unit shall be subject to the express condition that the builder, seller, or the real party in interest in the transaction shall deliver to the veteran constructing or purchasing such dwelling with the aid of a guaranteed or insured loan a warranty, in the form prescribed by the Administrator, that the property has been completed in substantial conformity with the plans and specifications upon which the Administrator based his valuation of the property, including any modifications thereof, or changes or variations therein, approved in writing by the Administrator, and no certificate of guaranty or insurance credit shall be issued unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

32. The centerhead immediately preceding § 36.4365 is amended to read as follows: "Refinancing—38 U.S.C. 1814."
33. In § 36.4365, paragraphs (b) and (c) are amended to read as follows:

§ 36.4365 Indebtedness eligible for refinancing.

- (b) Any loan proposed to be made to refinance a delinquent obligation which was incurred within 1 year of the date of the application for refinancing shall be referred in advance to the Administrator with a report of the proposed borrower's income and expenses and his affidavit stating the purchase price of the property purchased with the proceeds of the delinquent loan. The Administrator may hold any such case to be ineligible, if it appears the guaranty or insurance of such refinancing would effect an evasion of any of the limitations imposed by 38 U.S.C. Ch. 37.
- (c) No loan guaranteed or insured by the Administrator under 38 U.S.C. Ch. 37 may be refinanced under 38 U.S.C. 1814.
- 34. The centerhead immediately preceding § 36.4370 is amended to read as follows: "Loans Under 38 U.S.C. 1815."
- 35. In § 36.4370, paragraph (a) is amended to read as follows:

§ 36.4370 Insured loan and insurance account.

(a) Loans otherwise eligible may be insured when purchased by a lender eligible under 38 U.S.C. 1815 if the purchaser (lender) submits with the loan report evidence of an agreement, general or special, made prior to the closing of the loan, to purchase such loan subject to its being insured.

§ 36.4371 [Revocation]

- 36. Section 36.4371 is revoked.
- 37. In § 36.4381, paragraphs (a) and (d) are amended to read as follows:

§ 36.4381 Jurisdiction of regional office loan guaranty committee on waivers and compromises.

- (a) The regional office committee will have original jurisdiction to adjudicate all cases in its area involving an indebtedness by a veteran to the United States of \$2,500 or less, resulting from payment of the gratuity, or as the result of a direct loan, or the guaranty or insurance of a loan under 38 U.S.C. Ch. 37.
- (d) The regional office committee, subject to current Veterans Administration regulations and instructions, shall have jurisdiction to authorize the release of any right, title, claim, lien, or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration pursuant to the provisions of 38 U.S.C. Ch. 37.
- 38. In § 36.4382, paragraphs (a) (3) and (d) are amended to read as follows:
- § 36.4382 Jurisdiction of central office loan guaranty committee on waivers and compromises.
 - (a) * * *
- (3) All cases in which an appeal has been filed from the decision of the regional office loan guaranty committee involving an indebtedness by the veteran to the United States resulting from a direct loan or the guaranty or insurance of a loan under 38 U.S.C. Ch. 37.

*

- (d) The central office committee, subject to current Veterans Administration regulations and instructions, shall have jurisdiction to authorize the release of any right, title, claim, lien, or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration pursuant to the provisions of 38 U.S.C. Ch. 37.
- 39. In § 36.4384, paragraph (a) is amended to read as follows:

§ 36.4384 Principles to be followed by loan guaranty committee for waivers and compromises.

- (a) In determining whether an indebtedness or any part thereof shall be waived, the general equitable principles of 38 U.S.C. 3102 as explained in §§ 5.1 through 5.3, will be applied. The indebtedness may be waived in whole or in part: (1) When the veteran was not at fault in the creation of indebtedness which is being considered by the committee, and (2) where recovery of the whole or the part concerned (i) would defeat the purposes of the benefits otherwise authorized under the laws administered by the Veterans Administration, or (ii) would be against equity and good conscience.
- 40. Immediately following the centerhead "Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing" the note is revised to read as follows:

Note: Those requirements, conditions, or limitations expressly set forth in 38 U.S.C. Ch. 21 and not restated herein must be taken into consideration in conjunction with the regulations in §§ 36.4401 to 36.4410.

41. A new § 36.4400 is added to read as follows:

§ 36.4400 Applicability.

References in the regulations pertaining to assistance to certain disabled veterans in acquiring specially adapted housing to 38 U.S.C. Chs. 21 and 37, shall, where applicable, be deemed to refer also to the prior corresponding provisions of the law.

42. Section 36.4401 is revised to read as follows:

§ 36.4401 Definitions.

Wherever used in 38 U.S.C. Ch. 21 or \$\\$ 36.4401 through 36.4410, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated; namely:

- meaning herein stated; namely:
 (a) "Administrator": The Administrator of Veterans Affairs or any employee of the Veterans Administration authorized by him to act in his stead.
- (b) "Chapter 21": Chapter 21 of title 38, United States Code.
- (c) "Movable facilities": Such exercising equipment and other aids as may be allowed or required by the Chief Medical Director or his designee.
- (d) "Necessary land": Any plot of land the cost and area of which are not disproportionate to the type of improvements thereon and which is in keeping with the locality.
- (e) "Special fixtures": Construction features which are specially designed to

overcome the physical limitations of the individual beneficiary and which are allowed or required by the Chief Medical Director or his designee as necessary by nature of the qualifying disability.

- (f) "Housing unit": A family dwelling or unit approved by the Department of Medicine and Surgery as medically feasible for occupation as a home by the individual beneficiary, including the land, improvements, and all appurtenances, together with such movable facilities or special features as are authorized under the definitions of those terms in §§ 36.4401 through 36.4410.
- (g) "Remodeling": Any alterations, repairs, or improvements necessary or desirable to the housing unit, as defined in §§ 36.4401 through 36.4410.
- 43. In § 36.4402, the introductory paragraph is amended to read as follows:

§ 36.4402 Eligibility.

No beneficiary shall be eligible for assistance under chapter 21 for the purpose of reimbursing him for the cost of an existing structure acquired by him prior to applying for assistance or for constructing or remodeling a dwelling, unless it is determined pursuant to §§ 36.4401 through 36.4410 in respect of the beneficiary that:

44. Section 36.4403 is revised to read as follows:

§ 36.4403 Joint ownership of housing unit.

The construction or remodeling of a housing unit, or reimbursement to a veteran who has acquired a suitable unit at his own expense, shall be permissible notwithstanding that title to the home is or will be vested in an eligible veteran and his spouse. If an undivided interest is or will be owned by a person other than the spouse of the veteran the cost of the unit to the veteran shall be computed to be such part of the total cost of the unit as is proportionate to the undivided interest of the veteran in the entire property, and the percentages and amounts prescribed in chapter 21 shall be calculated only upon such cost to the veteran.

45. Section 36.4407 is revised to read as follows:

§ 36.4407 Supplementary administrative action.

Notwithstanding any requirement, condition, or limitation stated in or imposed by §§ 36.4401 through 36.4410, the Administrator, within the limitations and conditions prescribed in 38 U.S.C. Chs. 3 and 21, may take such action as may be necessary or appropriate to relieve undue prejudice to a veteran or a third party contracting or dealing with such veteran which might otherwise result.

46. Section 36.4409 is revised to read as follows:

§ 36.4409 Guaranteed or insured loans under 38 U.S.C. Ch. 37.

In any case where, in addition to the benefits of Chapter 21, the veteran will utilize his entitlement to the loan guaranty or insurance benefits of 38 U.S.C. Ch. 37, the complete transaction must be in accord with applicable regulations

promulgated thereunder excepting § 36.4306 thereof.

47. In § 36.4410, the introductory paragraph is amended to read as follows:

§ 36.4410 Allocation of the funds of the

Any amount payable as a grant under Chapter 21 may be required by the Administrator to be utilized as he deems advisable for payment of any of the following costs or debts which are obligations of the veteran before any part of grant may be paid to the veteran

48. Immediately following the centerhead "DIRECT LOANS" the note is revised to read as follows:

Note: Those requirements, conditions, or limitations which are expressly set forth in 38 U.S.C. Ch. 37 are not restated herein and must be taken into consideration in the interpretation or application of the regulations concerning direct loans to veterans.

49. Section 36.4500 is revised to read as follows:

§ 36.4500 Applicability.

(a) The regulations concerning direct loans to veterans shall be applicable to loans made by Veterans Administration

- pursuant to 38 U.S.C. 1811.
 (b) Title 38, U.S.C. Ch. 37 is a continuation and restatement of the provisions of title III of the Servicemen's Readjustment Act of 1944, and may be considered to be an amendment to such title III. References in the regulations concerning direct loans to veterans to the sections or chapters of title 38, United States Code, shall, where applicable, be deemed to refer to the prior corresponding provisions of the law.
- 50. Section 36.4501 is revised to read as follows:

§ 36.4501 Definitions.

Wherever used in 38 U.S.C. 1811 or the regulations concerning direct loans to veterans, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized by him to act in his

stead.

- (b) "Cost" means the entire consideration paid or payable for or on account of the application of materials and labor to tangible property.
- (c) "Default" means failure of a borrower to comply with the terms of a loan agreement.
- (d) "Dwelling" means a building designed primarily for use as a home, consisting of one residential unit only and not containing any business unit.
- (e) "Farm residence" means a dwelling located on a farm which is to be occupied by the veteran as his home. -
- (f) "Guaranty" means the obligation of the United States, incurred pursuant to 38 U.S.C. Ch. 37, to repay a specified percentage of a loan upon the default of the primary debtor.
- (g) "Home" means a place of residence.

(h) "Improvement" means any addition or alteration which enhances the utility of the property for residential purposes.

(i) "Indebtedness" means the unpaid principal and interest plus any other sums a borrower is obligated to pay Veterans Administration under the terms of the loan instruments or of the regulations concerning direct loans veterans.

(j) "Loan" means a loan made to a veteran by Veterans Administration pursuant to the provisions of 38 U.S.C. 1811 and the regulations concerning direct loans to veterans.

(k) "Purchase price" means the entire legal consideration paid or payable upon or on account of the sale of property, exclusive of acquisition costs, or for the cost of materials and labor to be applied thereto.

(1) "Reasonable value" means that figure which represents the amount a reputable and qualified appraiser, unaffected by personal interest, bias, or prejudice, would recommend to a prospective purchaser as proper price or cost in the light of prevailing conditions.

(m) "Repairs" means any alteration of existing realty which is necessary or advisable for protective, safety, or restor-

ative purposes.
(n) "Veterans Administration" means the Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized by him to act in his stead.

51. In § 36.4503, paragraphs (a) and (b) are amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after April 4, 1958, shall not exceed an amount which bears the same ratio to \$13,500 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$7,500, nor may any veteran obtain direct loans aggregating more than \$13,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans Administration shall bear interest at the rate of 4% percent per annum, except where a commitment to make the loan was issued prior to April 4, 1958, in which case the rate of interest shall be 41/2 percent per annum.

(b) Each loan shall be repayable on the basis of approximately equal monthly installments; except that in the case of loans made for any of the purposes described in clause (2), (3), or (4) of sub-section (a) of 38 U.S.C. 1810, such loans may provide for repayment in quarterly, semiannual, or annual installments, provided that such plan of repayment corresponds to the present and anticipated income of the veteran.

52. In § 36.4508, paragraph (b) is amended to read as follows:

§ 36.4508 Transfer of property by borrower.

(b) Whenever any veteran disposes of

loan obtained by him under 38 U.S.C. Ch. 37, the Veterans Administration, upon application made by such borrower, shall issue to the borrower a release relieving him of all further liability to the Veterans Administration on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Veterans Administration has determined, after such investigation as it deems appropriate, that there has been compliance with the conditions prescribed in 38 U.S.C. 1817. The assumption of full liability for repayment of the loan by the transferee of the property must be evidenced by the transferee's execution of an agreement in writing in such form as the Veterans Administration may require. Any release of liability granted to a veteran by the Veterans Administration shall inure to the spouse of such veteran.

53. In § 36.4510, paragraph (a) is amended to read as follows:

§'36.4510 Prepayment, acceleration. and liquidation.

- (a) Any credit on the loan not previously applied in satisfaction of matured installments, other than the gratuity credit required by prior provisions of law to be credited to principal, may be reapplied by Veterans Administration at the request of the borrower for the purpose of curing or preventing a default.
- 54. In § 36.4514, paragraphs (d) and (f) are amended to read as follows:
- § 36.4514 Eligibility requirements.
- (d) Private capital is not available in the area at an interest rate not in excess of the rate authorized for guaranteed home loans for a loan for which the veteran is qualified under 38 U.S.C. 1810. * * *
- (f) In respect to a loan application received on or after September 15, 1956. there has been compliance by the applicant with the certification requirements prescribed in 38 U.S.C. 1804(c).
- 55. In § 36.4515, paragraph (a) (2) is amended to read as follows:

§ 36.4515 Estate of veteran in real property.

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien; however, a leasehold estate which is not freely assignable and transferable will be considered an acceptable estate if it is determined by the Chief Benefits Director, or the Director, Loan Guaranty Service, (i) that such type of leasehold is customary in the area where the property is located: (ii) that a veteran or veterans will be prejudiced if the requirement for free assignability is adhered to and (iii) that the assignability and other provisions applicable to the leasehold estate are sufficient to residential property securing a direct protect the interests of the veteran and ceptable; or

56. In § 36.4520, paragraphs (a) and (c) are amended to read as follows:

§ 36.4520 Delegation of authority.

(a) Except as hereinafter provided, each employee of the Veterans Administration heretofore or hereafter appointed to, or otherwise lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to the making of loans and the rights and liabilities arising therefrom, including but not limited to the collection or compromise of amounts due, in money or other property, the extension, rearrangement, or sale of loans, the management and disposition of secured or unsecured notes and other property. In connection with direct loans made and held by the Veterans Administration, such designated employees may take any action which they are authorized to consent to or approve in respect to guaranteed or insured loans under the regulations prescribed therefor by Administrator. Incidental to the exercise and performance of the powers and functions hereby delegated, each such employee is authorized to execute and deliver (with or without acknowledgment) for, and on behalf of, the Administrator evidence of guaranty and such certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental, or other disposition of real or personal property or of any right, title, or interest therein, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments, and releases; and to approve disbursements to be made for any purpose authorized by 38 U.S.C. Ch. 37.

(c) Nothing in this section shall be construed to authorize any such employee to exercise the authority vested in the Administrator under 38 U.S.C. 210(c) or 1815(b) or to sue or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization.

57. Section 36.4523 is revised to read as follows:

§ 36.4523 Geographical limits.

Any real property purchased, constructed, or improved with the proceeds of a loan under 38 U.S.C. 1811 shall be situated in the United States, which for purposes of 38 U.S.C. Ch. 37 is here defined as the several States, Territories, and possessions, the District of Columbia and the Commonwealth of Puerto Rico: Provided. That no loan shall be made pursuant to 38 U.S.C. 1811 unless the real property is located in one of the areas designated from time to time by Veterans Administration as an area in which private capital is not available under 38 U.S.C. Ch. 37 to eligible veterans for

the Government and are otherwise ac- financing of the purchase, construction, repairs, alterations, or improvement of a farm residence or other dwelling, as the case may be.

> 58. Section 36.4524 is revised to read as follows:

§ 36.4524 Sale of loans.

In the event a direct loan is purchased from Veterans Administration at any time pursuant to the provisions of 38 U.S.C. 1811(g), Veterans Administration may issue a guaranty in connection therewith within the maximums applicable to loans guaranteed under 38 U.S.C. 1810 and such loans shall thereafter be subject to the applicable provisions of the regulations governing the guaranty or insurance of loans to veterans, and such part of the regulations concerning direct loans to veterans as may be inconsistent therewith or variant therefrom shall no longer govern the subsequent disposition of the rights and liabilities of any interested parties.

§§ 36.5001—36.5009 [Revocation]

59. Sections 36.5001 through 36.5009 are revoked.

These regulations are effective April 7, 1959.

[SEAL]

BRADFORD MORSE. Deputy Administrator.

[F.R. Doc. 59-2877; Filed, Apr. 6, 1959; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE. APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1, Seventh Rev., Amdt. 1)]

INS-1-MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUC-TIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Miscellaneous Amendments

Effective as of March 31, 1959, midnight, e.s.t., INS-1 is hereby amended as follows:

Section 1. What this order does.

1. Amend section 1 by changing the attachment date stated therein to read March 31, 1959, midnight, e.s.t.

Sec. 2. Insurer.

2. Amend section 2 by changing the attachment and expiration dates stated therein to read March 31, 1959, midnight, e.s.t., and March 31, 1960, midnight, e.s.t., respectively.

Sec. 4. Vessels insured and terms of insurance.

3. Amend section 4 by changing the attachment date stated therein to read March 31, 1959, midnight, e.s.t., by changing the expiration date stated therein to read March 31, 1960, midnight, e.s.t., and by changing the annual rate

stated therein to read \$3.50 per gross registered ton.

Sec. 5. Assumption of risk by Owner and attachment and cancellation dates of commercial insurance.

(e) Vessels presently in operation under General Agency Agreement 3-19-51.

4. Amend paragraph (e) of section 5 by changing the attachment date stated therein to read March 31, 1959, midnight,

Sec. 7. Insurance premiums.

(a) Payment of premiums.

5. Amend paragraph (a) of section 7 by changing the expiration date stated therein to read March 31, 1960, midnight,

Sec. 9. Settlement of Claims.

(c) Claims declined by Underwriters.

6. Amend paragraph (c) of section 9 by changing the attachment date stated therein to read March 31, 1959, midnight,

Sec. 11. Report of claims.

7. Amend paragraph (b) of section 11 by changing the reporting date stated therein to read December 31, 1959.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found to be impracticable and not in the public interest to delay the effective date thereof; therefore, the foregoing amendments shall be effective as aforesaid.

Dated: March 30, 1959.

WALTER C. FORD, Deputy Maritime Administrator.

[F.R. Doc. 59-2882; Filed, Apr. 6, 1959; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I-Interstate Commerce Commission

SUBCHAPTER B-CARRIERS BY MOTOR VEHICLE IEx Parte No. MC-401

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of March A.D. 1959.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that amendment of § 193.43(b) relating to breakaway and

emergency braking is warranted, and good cause appearing therefor:

It further appearing, that this amendment, which will permit utilization of brake systems designed to make effective automatic emergency application of brakes on towed vehicles equipped with vacuum brakes, is a relaxation of present requirements, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That § 193.43(b), Part

It is ordered, That § 193.43(b), Part 193, of the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended (49 CFR 193.43(b)) be, and it is hereby, amended to read as

follows:

(b) Every truck-tractor and truck-used for towing other vehicles equipped with vacuum brakes, in operations other than driveaway and towaway, on and after January 1, 1957, shall have, in addition to the single control required by \$ 193.49 to operate all brakes of the combination, a second control device which can be used to operate the brakes on the towed vehicles in emergencies. Such sec-

ond control shall be independent of brake air, hydraulic, and other pressure and independent of other controls, unless the braking system be so arranged that failure of the pressure on which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required by this rule to provide modulated or graduated braking.

It is further ordered, That this order shall become effective this date and shall continue in effect until further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

[49 Stat. 546, as amended; 49 U.S.C. 304]

By the Commission.

[SEAL]

HAROLD D. McCox, Secretary.

[F.R. Doc. 59-2866; Filed, Apr. 6, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

1.7 CFR Part 914.1

NAVEL ORANGES GROWN IN ARI-ZONA AND DESIGNATED PART OF CALIFORNIA

Findings and Determinations with Respect to the Continuance of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions. of Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.) notice was given in the Federal REGISTER on January 30, 1959 (24 F.R. 678), that a referendum would be conducted among the growers who, during the period November 1, 1957, through October 31, 1958 (which period was determined to be a representative period for purposes of such referendum), had been engaged, in the State of Arizona and that part of the State of California south of the 37th Parallel, in the production of navel oranges for market to determine whether such growers favor continuance of the said marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period February 20, 1959, through March 13, 1959, both dates inclusive, it is hereby found and determined that the continuance of the said

marketing agreement and order is favored by the requisite majority of such growers.

Dated: April 1, 1959.

[SEAL]

TruE D. Morse, Acting Secretary.

[F.R. Doc. 59-2864; Filed, Apr. 6, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

I 49 CFR Part 193 I

PARTS AND ACCESSORIES NECES-SARY FOR SAFE OPERATION

[Ex Parte No. MC-40]

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of March A.D. 1959.

The matter of parts and accessories necessary for safe operation, particularly the provisions of Section 193.42(c) of the Motor Carrier Safety Regulations relating to brakes required on trucks and truck-tractors having three or more axles, and Section 193.48 requiring all brakes to be operative, with certain exceptions, as prescribed by order dated April 14, 1952, as amended, and the record in the entitled proceeding; being under consideration, and

It appearing, that in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003), a notice of proposed rule making was issued September 5, 1958 (23 F.R. 7262), proposing to amend §§ 193.42(c) and 193.48 of the Motor Carrier Safety Regulations adopted April 14, 1952, as amended, (49 CFR 193.42(c) and 193.48) (Authority: 49 Stat. 546, as amended; 49 U.S.C. 304) relating to Brakes required on all wheels and Brakes to be operative, and to substitute therefor the rules proposed in the aforementioned notice of proposed rule making, in which notice interested parties were invited to present state-ments containing data, views, or arguments on the proposal on or before November 14, 1958, which time was extended to March 14, 1959, by order entered October 29, 1958 (23 F.R. 8673),

It further appearing, that information received from interested parties in response to the above-mentioned Notice of Proposed Rule Making shows that technical development work currently in progress in the field of new devices intended to provide improved braking performance is not sufficiently advanced to permit adequate response to the proposed changes, and

It further appearing, that test and development work currently being conducted by this Commission with the cooperation of the U.S. Bureau of Public Roads and with the assistance of an Industry Advisory Committee, is not sufficiently advanced to permit proper evaluation of the proposed changes; and good cause appearing therefor;

It is ordered, That effective this date the proposed rule making proceeding instituted by the order entered September 5, 1958, be, and it is hereby, discontinued

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-2867; Filed, Apr. 6, 1959; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BE-GINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

Proposed regulations under section 501(c) (3) and (4) of the Internal Revenue Code of 1954, relating to certain organizations exempt from income tax,

were published in the FEDERAL REGISTER for Thursday, February 26, 1959. One or more interested parties have submitted comments and suggestions pertaining to the proposed regulations, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

Public hearings on the proposed regulations will be held on Thursday and Friday, April 16 and 17, 1959, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by April 13, 1959.

MAURICE LEWIS, Director, Technical Planning Division. Internal Revenue Service.

[F.R. Doc. 59-2900; Filed, Apr. 3, 1959; 2:22 p.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary [Order 2838]

OFFICERS AND EMPLOYEES Continuation of Authority

SECTION 1. Introduction. The Administrator of General Services issued a general delegation authorizing the heads of certain Executive agencies to utilize authority contained in Title III of the Federal Property and Administrative Services Act of 1949. The delegation became effective March 10, 1059 (24 F.R. 1921, 2096).

SEC. 2. Continuation of Authority. Any officer or employee empowered on March 10, 1959, by or pursuant to a redelegation from the Secretary of the Interior, to negotiate contracts utilizing the provisions of section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)), is hereby authorized to continue to exercise such authority, subject to the same conditions, restrictions. or limitations as were imposed in such redelegations.

FRED A. SEATON, Secretary of the Interior.

March 31, 1959.

[F.R. Doc. 59-2853; Filed, Apr. 6, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board HAMBURG-AMERIKA LINIE ET AL. Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39

Stat. 733, 46 U.S.C. 814):
(1) Agreement No. 8359, between Hamburg-Amerika Linie, Norddeutscher Lloyd and Ernst Russ covers an arrangement for the scheduling of sailings in the trade between ports of the Great Lakes of the United States and Canada. the St. Lawrence River and Seaway, Newfoundland and the Canadian Mari-

times, on the one hand, and Continental ports of Europe within the Bordeaux/ Hamburg Range and United Kingdom ports, on the other hand, and in the trades between any two of said ports which are in the Western Hemisphere (not including transportation within the purview of the coastwise laws of the United States).

(2) Agreement No. 8367, between Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line) and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo from Brazil, Uruguay and Argentina to Puerto Rico, with transhipment at New York, Baltimore, New Orleans or Mobile.

(3) Agreement No. 8368, between Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line) and Alcoa Steamship Company, Inc., covers a through billing arrangement on general cargo from Brazil, Uruguay and Argentina to the Virgin Islands, with transhipment at New York, Baltimore, New Orleans or Mobile.

Interested parties-may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER. written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 2, 1959.

By order of the Federal Maritime Board.

[SEAL]

JAMES L. PIMPER, Secretary.

[F.R. Doc. 59-2881; Filed, Apr. 6, 1959; 8:50 a.m.]

Maritime Administration [Docket No. S-86]

PACIFIC FAR EAST LINE, INC. Notice of Application and of Hearing

Notice is hereby given of the application of Pacific Far East Line, Inc., for written permission of the Maritime Administrator, under section 805(a) of the lines, Inc.

Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223 for its chartered vessel, the "SS William Luckenbach," to carry approximately 2,500 tons of newsprint and similar paper products from Portland, Oregon to Los Angeles, California on or about April 10, 1959. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Maritime Administrator for April 10, 1959, at 9:00 a.m., e.s.t., in Room 4458, General Accounting Office Building, 441 G Street, NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of busines on April 9, 1959, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on April 9, 1959, will not be granted in this proceeding.

Dated: April 6, 1959.

JAMES L. PIMPER. Secretary.

[F.R. Doc. 59-2992; Filed, Apr. 6, 1959; 12:17 p.m.]

Office of the Secretary

[Dept. Order 97 (Revised)]

DETERMINATIONS INCIDENT ROUTINE MANAGEMENT FUNC-TIONS OF THE CIVIL AERONAUTICS BOARD

Revocation

The material appearing in 22 F.R. 2017 of March 27, 1957, is hereby revoked:

The Federal Aviation Act of 1958 (72 Stat. 731), creating the Federal Aviation Agency, revoked section 7 of Reorganization Plan No. 4 of 1940, pursuant to which Department Order No. 97 (Revised) was issued. Since Department Order No. 97 (Revised) no longer serves any useful purpose, it is hereby revoked.

Effective date: December 31, 1958.

[SEAL]

LEWIS L. STRAUSS, Secretary of Commerce.

[F.R. Doc. 59-2862; Filed, Apr. 6, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9223]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

Notice of Oral Argument

In the matter of the unrealistic schedules filed and published by National Air-

No. 67-4

Notice is hereby given, pursuant to the Federal Aviation Act of 1958 that an oral argument in the above-entitled proceeding is assigned to be held on April 22, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 1, 1959.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-2888; Filed, Apr. 6, 1959; 8:51 a.m.]

[Docket No. 10151]

BAHAMAS AIRWAYS LTD.

Notice of Hearing

In the matter of the application of Bahamas Airways Limited for the issuance of a foreign air carrier permit, pursuant to section 402 of the Federal Aviation Act of 1958, authorizing service between the Bahamas and the coterminal points Miami, Palm Beach, Fort Lauderdale, and Tampa, Florida.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on April 14, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., April 1, 1959.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-2887; Filed, Apr. 6, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14846]

EDWIN L. COX ET AL.

Notice of Applications and Date of Hearing

March 30, 1959.

In the matters of Edwin L. Cox, Docket No. G-14846; Dor-Bet Oil Company et al., Docket No. G-14847; Joseph I. O'Neill, Jr., et al., Docket No. G-14851; United States Smelting, Refining, and Mining Company, Docket No. G-14855; Gulf Oil Corporation, Docket No. G-14862; James E. Ely, Docket No. G-14863; Texoma Production Company, Docket No. G-14864; J. C. Trahan, Drilling Contractor, Inc., Docket No. G-14867; Horizon Oil & Gas Company, Operator, et al., Docket No. G-14868; Monsanto Chemical Company, Operator, Docket No. G-14879; W. J. Staleup, Docket No. G-14881; Sun Oil Company, Docket No. G-14881; Sun Oil Company, Docket No. G-14881.

Take notice that each of the parties listed below (Applicants), filed in the above-captioned proceedings separate

See footnotes at end of document.

applications for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Applicants propose to sell natural gas in interstate commerce for resale from production of certain units, leases or acreages to various purchasers for resale as tabulated below.

Docket No., Date Filed, Applicant and Place of

Business, Source of Gas, Purchaser, Related FPC Gas Rate Schedule

G-14846, 4-7-58; Edwin L. Cox, Dallas, Tex.; Camrick Southeast Gas Pool, Beaver County, Okla:; Natural Gas Pipeline Co. of America;

Supplement No. 4 to No. 10.

G-14847, 4-7-58; Dor-Bet Oil Co. et al., Wichita, Kans.; Lerado Southwest Field, Reno County, Kans.; Panhandle Eastern Pipe Line Company; No. 1.

G-14851, 4-9-58; Joseph I. O'Neill, Jr., et al., Midland, Tex.; Jack Herbert (Strawn) Field, Upton County, Tex.; El Paso Natural Gas Co. and Hunt Oil Co.; Supplement Nos. 2 and 3 to No. 1.

G-14855, 4-9-58; United States Smelting, Refining and Mining Co., Boston, Mass.; South Blanco Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Company; No. 10.

G-14862, 4-10-58; Guif Off Corp., Fort Worth, Tex.; Azalea Field, Midland County, Tex.; Phillips Petroleum Company; No. 135. G-14863, 4-10-58; James E. Ely, Houston,

G-14863, 4-10-58; James E. Ely, Houston, Tex.; Hugoton Field, Finney County, Kans.; Cities Service Gas Company; No. 2 and Supplement 1 thereto.

plement 1 thereto.

G-14864, 4-10-58; Texoma Production Company, Chicago, Ill.; N. E. Waynoka Field, Woods County, Okla.; Cities Service Gas Company; No. 2 and Supplement 1 thereto.

G-14867, 4-11-58 amended 11-5-58, J. C.

G-14867, 4-11-58 amended 11-5-58, J. C. Trahan Drilling Contractor, Inc., Shreveport, La.; Locust Ridge Field, Tensas Parish, La.; Tensas Gas Gathering Corporation; No. 6.

G-14868, 4-11-58; Horizon Oll & Gas Co., Operator, et al., Dallas, Tex.; Camrick Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; Supplement No. 1 to No. 3.

G-14874, 4-14-58; Monsanto Chemical Co., Operator, Houston, Tex.; Broussard Area, Lafayette and St. Martin Parishes, La.; United Gas Pine Line Company: No. 28.

Gas Pipe Line Company; No. 28.
G-14879, 4-15-58; C-W Oil and Gas Co.,
Spencer, W. Va.; Washington District, Calhoun County, W. Va.; Hope Natural Gas
Company; No. 3.

G-14881, 4-15-58; W. J. Stalcup, Oklahoma City, Okla.; Elmwood Field, Beaver County, Okla.; Northern Natural Gas Company; No. 1 and Supplement No. 1 thereto.

G-14887, 4-11-58; Sun Oil Company, Dallas 21, Tex.; West Perryton Field, Ochiltree County, Tex.; Northern Natural Gas Company; Supplement No. 1 to No. 84.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1959 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

¹ Application involves an amendatory agreement dated September 12, 1956, which adds additional acreage to a ratification agreement dated February 15, 1956, of a basic gas sales contract dated January 6, 1956, between The Atlantic Refining Company and Natural Gas Pipeline Company of America. The subject amendatory agreement limits production to formations down to the base of the Chester Formation. Application states that deliveries from the Todd Unit commenced on November 12, 1956.

²Shawver-Armour, Inc., as Operator, and Dor-Bet Oil Company (a co-partnership composed of H. D. Shawver and James Armour), Donald Shawver and Estate of Erle P. Halliburton, Deceased, nonoperating owners of working interests are filing jointly. All of the above-named nonoperators are signatory seller parties to the subject gas sales contract. It is noted that although Shawver-Armour, Inc., Operator, owns no working interest in the subject acreage and is not a signatory seller party to the gas sales contract, H. D. Shawver, President of Shawver-Armour, Inc., is also a partner in the Dor-Bet Oil Company.

Joseph I. O'Neill, Jr., Walter Duncan, J. Walter Duncan, Jr., Raymond T. Duncan and Vincent J. Duncan (Applicants) are filing, jointly, and are all signatory seller parties to two amendatory agreements dated July 22, 1957 and July 23, 1957, to a basic gas sales contract dated August 24, 1954, executed by and between El Paso Natural Gas Company and Joseph I. O'Neill, Jr.; the only signatory seller party to said contract. The amendatory agreement dated July 22, 1957, adds additional acreage to the above-mentioned basic contract and the one dated July 23, 1957, provides for the sale of casinghead gas produced from acreage dedicated to the basic contract, as amended.

Application covers Applicant's nonoperating interest to be sold under a ratification agreement dated March 3, 1958, of a basic contract dated June 23, 1950, between Stanolind Oil & Gas Company (now Pan American Petroleum Corporation), seller and Cities Service Gas Company, buyer. Both Applicant and Cities Service are signatory parties to the subject ratification agreement. Basic contract limits production to horizons above sea level.

⁵Gas sales contract limits production to horizons down to base of Mississippian Formation.

⁶Production limited to 9,271 feet below surface. Amendment filed November 5, 1958, is letter stating Applicants willingness to accept a conditioned certificate requiring refund to Purchaser should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

⁷Horizon Oil & Gas Company, a partnership composed of Curtis E. Calder, Jr., and N. Bruce Calder, is filing for itself and, as Operator, lists in the application the names and percentages of working interest owned by each of the nonoperators. Application covers an amendatory agreement dated July 24, 1957, to a basic contract dated April 22, 1957. Basic contract limits production to horizons below the Hugoton Formation or sea level, which-

ever is the greater depth.

*Monsanto Chemical Company, Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following nonoperators: Texas Pacific Coal and Oil Company and Roman Drilling Company, All are signatory seller parties to the subject gas sales contract. On December 5, 1958, Monsanto filed a letter stating its willingness to accept a conditioned certificate requiring refund to Purchaser should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

C-W Oil and Gas Company is a partnership comprised of Richard H. Brumbaugh, W. H. Hildreth, W. T. McGlothlin, N. M. Jackson, Willard Starcher, Charles S. Moore, Joseph Schwaber, Jr., Sol Schwaber, Robert A. Schwaber, Milton Siedenman, Richard Brown, Virgil E. Daugherty, D. W. Stonestreet, Fred Elias, Blake Hammack, W. T. Wallace, L. A. Vaughan, Stanley N. Vaughan, Irvin O. Marilla, Howard W. Grissom, R. C. Price, Harry N. Boonr, Hubert M. Blalock, R. E. Keller, J. H. Randolph, H. A. Spessert, Olin Hill, Ruby Hill, and W. H. Robbins. Richard H. Brumbaugh is a signatory seller party to the gas sales contract dated March 11, 1958, and the remaining above-named partners are also signatory seller parties through the signature of Richard H. Brumbaugh who has signed the subject as Attorney-in-Fact for said parties.

20 Application covers a ratification agreement, dated September 5, 1957, of a basic contract dated November 13, 1956, between Parker Petroleum Company, Inc., Operator et al. (Seller) and Northern Natural Gas Company (Buyer). Both Applicant and Northern Natural are signatory parties to the subject ratification agreement. The basic contract limits production to horizons above the Mississippi Limestone Zone.

11 Application covers an amendatory agreement, dated March 28, 1958, which adds additional acreage to a basic gas sales contract dated April 11, 1957. Applicant received authorization in Docket No. G-12548 to sell

gas under the basic contract.

[F.R. Doc. 59-2870; Filed, Apr. 6, 1959; 8:48 a.m.]

[Docket No. G-18170]

HUMBLE OIL & REFINING CO. Order for Hearing and Suspending **Proposed Change in Rates**

APRIL 1, 1959.

Humble Oil & Refining Company (Humble) on March 2, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Letter, dated February 26, 1959. (2) Notice of change, dated February 28, 1959.

Purchaser: Texas Eastern Transmission

Corporation.

Rate schedule designation: (1) Supplement No. 11 to Humble's FPC Gas Rate Schedule No. 19. (2) Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 19.

Effective date: April 2, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Humble submits a favored-nation notification letter dated July 24, 1957, from Texas Eastern Transmission Corporation. In addition, Humble states that the proposed rate is in line with going prices being paid under other contracts in the same area.

The increased rate and charge so proposed has not been shown to be justified. and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplements Nos. 11 and 12 to Humble's FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

- (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplements Nos. 11 and 12 to Humble's FPC Gas Rate Schedule No. 19.
- (B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 2, 1959. and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.
- (C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.
- (D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE, [SEAL] Secretary.

[F.R. Doc. 59-2871; Filed, Apr. 6, 1959; 8:48 a.m.]

[Docket No. G-18171]

CHAMPLIN OIL & REFINING CO. ET AL.

Order for Hearing and Suspending **Proposed Changes in Rates**

APRIL 1, 1959.

Champlin Oil & Refining Company (Operator), et al. (Champlin), on March 2, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of change, dated February 27, 1959. (2) Notice of change, dated February 26, 1959. Purchaser: Colorado Interstate Gas Com-

pany.
Rate schedule designation: (1) Supplement No. 2 to Champlin's FPC Gas Rate Schedule No. 59 (supersedes and cancels Champlin's FPC Gas Rate Schedules Nos. 54 and 55, as amended). (2) Supplement No. 3 to Champlin's FPC Gas Rate Schedule No. 67.

Effective date: (1) April 5, 1959 (stated effective date is the effective date proposed by Champlin). (2) April 2, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increases, Champlin states that the increased rates were agreed upon after extensive arm's-length negotiations and in consideration thereof the minimum quantities of gas which Colorado Interstate Gas Company is required to purchase were modified.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to Champlin's FPC Gas Rate Schedule No. 59, and Supplement No. 3 to Champlin's FPC Gas Rate Schedule No. 67, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Champlin's FPC Gas Rate Schedule No. 59, and Supplement No. 3 to Champlin's FPC Gas Rate Schedule No. 67.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Champlin's FPC Gas Rate Schedule No. 59 is hereby suspended and the use thereof deferred until September 5, 1959;

¹Parties agree to discontinue "exchange" of gas and revert to the terms of the contract.

Supplement No. 3 to Champlin's FPC Gas Rate Schedule No. 67 is hereby suspended and the use thereof deferred until September 2, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

Joseph H. Gutride, Secretary.

[F.R. Doc. 59-2872; Filed, Apr. 6, 1959; 8:48 a.m.]

[Docket No. G-18172]

HUMBLE OIL & REFINING CO. ET AL. Order for Hearing and Suspending Proposed Change in Rates

APRIL 1, 1959.

Humble Oil & Refining Company (Operator), et al. (Humble) on March 2, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 6, 1959.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 142.

Effective date: April 2, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favorednation rate increase, Humble submits a letter dated January 31, 1959, wherein El Paso Natural Gas Company (El Paso) informs Humble of certain increased rates being paid subject to refund by El Paso to Phillips Petroleum Company within the favored-nation area. In addition, Humble states that the proposed rate is in line with the going price for gas in the Permian Basin; that West Texas Gathering Company is selling gas to El Paso from the same marketing area at 16.0 cents per Mcf, and that Permian Basin Pipeline Company is purchasing gas in the Puckett area of the Permian Basin at the rate of 15.0 cents per Mcf.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 142 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 142.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 2, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37

By the Commission.

[SEAL] JOSEPH H. GUTRIDE.

[F.R. Doc. 59-2873; Filed, Apr. 6, 1959; 8:49 a.m.]

Secretary.

APRIL 1, 1959.

[Docket No. G-18173]

SUNRAY MID-CONTINENT OIL CO. Order for Hearing and Suspending

Proposed Change in Rates

Sunray Mid-Continent Oil Company (Sunray) on March 5, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Contract, dated January 27, 1959. (2) Notice of change, dated March 3, 1959.

Purchaser: Colorado Interstate Gas Com-

pany.

Rate schedule designation: (1) Sunray's FPC Gas Rate Schedule No. 174 (supersedes and cancels Sunray's FPC Gas Rate Schedule No. 107, as amended. (2) Supplement No. 1 to Sunray's FPC Gas Rate Schedule No. 174.

Effective date: April 5, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Sunray states that its contract was negotiated at arm's length, that redetermination provisions are common in long-term contracts, and that the proposed rate is in line with the field prices being paid for gas sold to interstate purchasers in the same general area. Sunray further states that based on heating value alone the proposed rate should be substantially higher.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or other-

wise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Sunray's FPC Gas Rate Schedule No. 174, and Supplement No. 1 thereto, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Sunray's FPC Gas Rate Schedule No. 174, and Supplement No. 1

(B) Pending such hearing and decision thereon, said rate schedule and supplement there to be and they are each hereby suspended and the use thereof deferred until September 5, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or sunplement hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 59-2874; Filed, Apr. 6, 1959; 8:49 a.m.]

[Docket No. G-18183]

H. R. JACKSON ET AL.

Order for Hearing and Suspending Proposed Change in Rate

APRIL 1, 1959.

H. R. Jackson et al., Trustee, d/b/a Penova Interests (Penova), on March 3. 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is

contained in the following designated filing:

Description: Notice of change, dated March 2, 1959.

Purchaser: Hope Natural Gas Company. Rate schedule designation: Supplement No. 3 to Penova's FPC Gas Rate Schedule No. 1.

Effective date: April 3, 1959 (stated effective date is the first day after expiration of statutory notice).

In support of the proposed increase, Penova submitted copies of the purchaser's letter agreeing to the increase and stated that it has many old wells which would probably respond favorably to workover and "hydrafracing" operations which are not warranted without the increase in price. Penova also stated that should the increase be granted it would be passed on proportionately to those from whom it purchases gas and should create a desire on their part to participate in remedial operations to increase overall gas production.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or

otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 3 to Penova's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Penova's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 3, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2875; Filed, Apr. 6, 1959; 8:49 a.m.]

[Docket No. G-18165]

RICHOME OIL CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

APRIL :

Richome Oil Company (Operator), et al. (Richome), on March 3, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated. Purchaser: Colorado Interstate Gas Company.

Rate schedule designation: Supplement No. 10 to Richome's FPC Gas Rate Schedule No. 1.

Effective date: April 3, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Richome submits a supplemental agreement dated December 8, 1958, providing for the increased rate. In addition, Richome states that the proposed rate is not in excess of the going price for gas in the same area, that the rate was negotiated at arm's-length, and that the effectiveness of such rate will not have any adverse effect upon any other contracts in the field.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Richome's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Richome's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 3, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and

I.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2876; Filed, Apr. 6, 1959; 8:49 a.m.]

[Statement of Interpretation 59-1]

INCREASED RATES DUE TO LOUISI-ANA GATHERING TAX

Discontinuance of Reports

APRIL 1, 1959.

The purpose of this statement is to permit discontinuance of reports required by producers whose rates, increased allegedly because of an additional Louisiana Gathering Tax, have been suspended by this Commission. The tax was increased in the amount of one cent per Mcf pursuant to Act No. 8 of 1958 (House Bill 303), as approved July 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950, so that the total gathering tax became two cents per Mcf. A number of producers in Louisiana filed increased rates to reflect in whole or in part the additional tax imposed. Because the Commission was advised that litigation was being instituted to challenge the constitutionality of Act No. 8 of 1958, such increased rates were suspended.

In the case of one group of suspension orders the whole rate increase is due to the increased tax. In these suspension orders provision is also made for refund in case the tax should be held unconstitutional, and it is also provided that the respondents involved should report in writing and under oath to the Commission monthly or quarterly, for each billing period and for each purchaser billing determinants and revenues both under the prior rates and under the new rates. In the case of the remaining suspensions orders the increased rate reflects a contractual or other basis for an increase as well as the tax, but the orders make it clear that, although the total increased rates were suspended because of the inclusion of the Louisiana tax increase, only the tax increment of the proposed increased rate would be subject to refund. The suspension orders themselves do not contain refunding or reporting requirements but the orders in each docket permitting the increased rates to go into effect contain provisions for refunding, and also for reporting similar to the reporting requirements in the first group of suspension orders discussed above.

At the same time as the enactment of a new severance tax the State of Louisiana suspended the two cent gathering tax effective December 1, 1958, pursuant to Act No. 3 of the extraordinary session of the Legislature (House Bill No. 2) as approved November 17, 1958. Because the reporting requirements in the suspension orders and orders allowing rates to go into effect referred to above were designed to inform the Commission as to

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the effect of the rate increases caused by the increased Louisiana gathering tax, we interpret these orders to mean that as long as the gathering tax is suspended by the State of Louisiana, such reports are not necessary. However, some of the producers, because of their particular billing periods, may have re-ceived reimbursement of the gathering tax after the December 1, 1958 date on which the gathering tax was suspended. Therefore before discontinuing the filing of these reports each producer should in order to comply with the outstanding orders complete the reports for the period in which he was reimbursed for the increased tax and advise the Commission in writing of the date on which reimbursement of the gas gathering tax

Attached hereto as Appendix A1 is a list of the companies and proceedings to which this statement of interpretation applies.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-2849; Filed, Apr. 6, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-685]

BON AMI CO.

Amendment to Order and Notice of Hearing

March 31, 1959.

The Securities and Exchange Commission hereby amends its order and notice of hearing dated February 11, 1959, in the above captioned matter, on the basis of additional information furnished by the staff which tends to show that the Company has failed to file or has filed inadequate reports pursuant to section 13 of the Securities Exchange Act of 1934. The order is amended in the following · respects:

The second paragraph on page 4 of said order of February 11, 1959 under the heading III Failure to Report Certain Transactions between Bon Ami and Its Controlling Persons, is amended to read as follows:

2. On May 15, 1956, B. A. Royalties, Ltd., a wholly owned subsidiary of Bon Ami Company, purchased from Diversi-fied Oil and Mining Company at par \$1,250,000 principal amount of Diversified Oil and Mining Company (DOM) 5 year 6 percent Sinking Fund debentures. Guterma who had been chairman of the board of DOM until May 2, 1956 owned on May 15, 1956 with Garfield, Pasternak, Swann and Roen, approximately 49 percent of the outstanding stock of DOM. One million dollars of the proceeds of the debentures were used by DOM to pur-

chase properties owned almost entirely by Garfield and Pasternak, and which had been purchased by them for \$953.212. \$10,000 was paid as a fee to a company wholly owned by Swann.

These DOM debentures were sold by Bon Ami on December 13, 1956 for \$1,-257,005.14 to Edwin Pooler Holdings, Ltd. through E. H. Pooler & Company, Ltd. of Toronto, Canada as agent. The information available indicates that at the same time Commercial Fidelity Corporation agreed to purchase the debentures from Edwin Pooler Holdings, Ltd. at 101½. Pooler credited Bon Ami with the purchase price on its books. Thereafter Pooler purchased Canadian Government securities for the account of Bon Ami to the amount of this credit.

On or about May 13, 1957, Bon Ami advanced \$350,040.41 to Commercial Fidelity Corporation, a company described more fully in section V of this order entitled The Sale of TV Spot Time by Chatham Corporation to Bon Ami. Guterma controls Commercial Fidelity Corporation and has the most substantial pecuniary interest in that company. On May 14, 1957 Commercial Fidelity Corporation purchased from Edwin Pooler Holdings, Ltd. \$350,000 principal amount of DOM debentures for \$351,040.41 to which November 1, 1957 and subsequent coupons were attached. As more fully described under section V, the \$351,-040.41 owed by Commercial Fidelity Corporation to the Bon Ami Company was paid by crediting the Bon Ami Company with that amount against the purchase price of TV spot time sold to Bon Ami on June 20, 1957 by Chatham Corporation, a company owned and controlled by Guterma and his family.

On or about May 14, 1957, E. H. Pooler and Company was instructed by Bon Ami to advance \$305,000 out of Bon Ami's, credit balance with E. H. Pooler and Company to Commercial Fidelity Corporation. These funds were in turn loaned by Commercial Fidelity Corporation to United Dye and Chemical Corporation, then the parent of the Bon Ami

Company.

On or about June 14, 1957, Chatham Corporation purchased from Edwin Pooler Holdings Ltd. \$150,000 in principal amount of DOM company debentures for an aggregate purchase price of \$151,235.90. Chatham Corporation obtained the funds to make this purchase by borrowing them from the Bon Ami Company. As more fully described under section V of this order, the \$151,235.90 owed by Chatham Corporation to the Bon Ami Company as a result of this transaction was paid by crediting the Bon Ami Company with that amount against the purchase price of TV spot time sold to Bon Ami on June 20, 1957, by Chatham Corporation.

On or about June 28, 1957, Commercial Fidelity Corporation agreed to purchase on any date on or after August 30, 1957, from E. H. Pooler and Company \$750,000 in principal amount of DOM debentures at par plus accrued interest from May 1, 1957, to the date of pur-chase on demand of Pooler.

On or about August 15, 1957, the Bon Ami Company instructed E. H. Pooler and Company to transmit \$750,000 of its remaining credit balance with that brokerage firm to the Banque de Depots, Geneva, Switzerland, to be credited to the account of the Bon Ami Company. On the same day the Bon Ami Company also requested Chatham Corporation transfer the \$305,000 which the Bon Ami Company had loaned to Commercial Fidelity Corporation on May 14, 1957 to Bon Ami's account at the Banque de These funds aggregating Depots:2 \$1,055,000 were to be used by Bon Ami to purchase the "Icthyan Package" as more fully described under sections VI and VII of this order.

On or about August 16, 1957, Chatham Corporation purchased from E. H. Pooler and Company \$750,000 principal amount of DOM debentures and in purported payment therefore gave to Pooler and Company a check on the Banque de Depots, Geneva, Switzerland, drawn by Chatham Corporation in the amount of \$750,000. In compliance with the request of the Bon Ami Company made to it on August 15, 1957, to transfer \$750,000 of Bon Ami's credit balance to Bon Ami's account at the Banque de Depots, E. H. Pooler and Company endorsed the Chatham check in that amount to the Bon Ami Company. This check so endorsed was apparently turned over by the Bon Ami Company to the Chatham Corporation for deposit to Bon Ami's account at the Banque de Depots in Geneva, Switzerland.

On August 26, 1957, Chatham Corporation deposited to the account of the Bon Ami Company at the Banque de Depots in Geneva, Switzerland an aggregate of \$1,055,000 made up of the \$750,000 check endorsed in the manner already described and the \$305,000 owed by it to the Bon Ami Company. These funds as are more fully described in sections VI and VII hereof were immediately used by the Bon Ami Company together with other funds on deposit in the bank to meet a check drawn by Bon Ami on the Banque de Depots to the order of Icthvan Associates in payment for the so-called "Icthyan Package" of television and motion picture rights.

It appears from the information available that the \$750,000 principal amount of DOM debentures were in fact acquired by Chatham Corporation, wholly owned by Guterma and his family without any actual consideration whatsoever. As indicated above, the check of Chatham in the amount of \$750,000 together with \$305,000 were purportedly deposited with the Banque de Depots by Chatham Corporation. These sums together with other funds then on deposit with the Banque by the Bon Ami Company were used to pay \$1,150,000 to Icthyan Asso-

² Filed as part of the original document.

¹ⁿ For convenience in presentation, transactions by B. A. Royalties, Ltd. are herein treated as though made by the Bon Ami Company.

² Commercial Fidelity Corporation had assigned its \$305,000 claim against United Dye and Chemical Corporation to the Chatham Corporation. As more fully described in sections V and VI of this order, on or about August 20, 1957, United Dye and Chemical Corporation and its page 10000 shares Chemical Corporation sold its 90,000 shares of Bon Ami stock and received as part consideration therefore, \$725,000 in the form of a draft on the Banque de Depots, Geneva, Switzerland. Out of this \$725,000 United Dye repaid the \$305,000 owed by it to Chatham Corporation as assignee of Commercial Eddling Corporation. mercial Fidelity Corporation.

ciates Inc. for the so-called "Icthyan Package". Of this, sum, \$725,000 was purportedly paid to United Dye and Chemical Corporation. However, out of this \$725,000 apparently received by United Dye and Chemical Corporation, \$303,000 was redeposited with the Banque de Depots to secure a loan made by that bank to Chatham as more fully described in section VI of this order.3 In addition \$305,000 of the \$725,000 purportedly paid to United Dye and Chemical Corporation was used to pay Chatham Corporation the \$305,000 loaned to United Dye and Chemical Corporation by Commercial Fidelity Corporation which loan was assigned by that company to Chatham. This is the same \$305,000 deposited by Chatham Corporation to the account of the Bon Ami Company on August 26, 1957 as part of the \$1,055,000 which was used in large part to meet the check of \$1,150,000 made by Bon Ami Company to the order of Icthyan Associates and presented for payment on August 26, 1957 at the Banque de Depots. The remaining \$425,000 of the \$1,150,000 paid by Bon Ami for the "Icthyan Package" was ultimately paid to the Banque de Depots in the form of a check to that bank's own order as more fully described in section VI hereof. Thus it appears that only about \$117,000 of actual cash was transferred in the "Icthyan Package" transaction to United Dye and Chemical Corporation and the DOM debentures in the principal amount of \$750,000 were in fact obtained by Chatham Corporation from Pooler without any actual payment on Chatham's part whatsoever.

Bon Ami has failed to file any Form 8-K reports as required by section 13 of the Securities Exchange Act of 1934 setting forth the information required by Item 2 of such form in respect of the purchase and sale of the DOM debentures and the loans made by Bon Ami to Commercial Fidelity Corporation and Chatham Corporation. In the Bon Ami report on Form 10-K for the fiscal year ending December 31, 1956, the company failed to give the information required by Item 9 in respect of the interest of officers and directors of Bon Ami in this purchase and sale of debentures.

Section VI of the order and notice of hearing dated February 11, 1959 in the above entitled matter is hereby amended to read as follows:

VI. Deficiencies in report on Form 8-K with respect to transfer of control of the Bon Ami Company to Baltic Investment Corporation and Sartiris Fassoulis. During the year 1956 United Dye and Chemical Corporation had pledged 90,000 shares of Bon Ami Class B stock with various domestic and foreign banks to secure loans aggregating \$925,000. The proceeds of these loans were utilized in part to purchase the Bon Ami stock and for working capital. In some cases these loans to United Dye and Chemical secured by the Bon Ami stock were also personally guaranteed by Dardi and Guterma. The working capital position

of United Dye and Chemical Corporation substantially deteriorated during the year 1956. Moreover during this period the earnings of the Bon Ami Company were also declining. By December 31, 1956 there was a substantial deficit in the working capital of United Dye and Chemical Corporation. By May 1957, in order to obtain additional working capital, United Dye and Chemical Corporation was obliged to pledge all of its major assets including a secondary pledge of the Bon Ami stock for a loan of \$275,000 from the Reldan Trading Company at an interest rate of 2 percent per month. In addition Dardi and Guterma were required to guarantee the payment of the Reldan loan.

On May 7, 1957 Guterma resigned as an officer and director of both United Dye and Chemical Corporation and the Bon Ami Company and on that date sold 43,000 shares of United Dye and Chemical Corporation stock to Dardi in consideration of a note given by Dardi Corporation (owned by Dardi) in the amount of \$301,000. Although Guterma severed his connection on May 7, 1957 as an officer and director of United Dye and Chemical Corporation and the Bon Ami Company, he still remained a guarantor of one or more of the notes of United Dye and Chemical Corporation secured by Bon Ami stock. He also was a creditor of Dardi, the then controlling person of United Dye and Chemical Corporation and the Bon Ami Company.

During the spring of 1957, Guterma met one Sartiris Fassoulis. In June of 1957, Fassoulis acting as agent for others, sold to either Guterma or Chatham Corporation, a company controlled by Guterma and his family, certain rights to foreign exhibition of motion pictures. This transaction is more fully described in section V of this order, "The Sale of TV Spot Time by Chatham Corporation to Bon Ami."

In 1955, Fassoulis and others had acquired all of the stock of Icthyan Associates S.A. Shortly thereafter Icthyan Associates acquired from Matthew Fox or companies affiliated with him rights to the television and/or theatrical exhibition for varying periods of time of certain motion pictures solely outside the United States, Canada and Alaska. These motion picture rights, hereinafter referred to as the "Icthyan Package" were acquired by Icthyan from Fox for approximately \$360,000. Between 1955 and 1957 all of the stock of Icthyan Associates had been transferred to a creditor of Fassoulis as collateral security. Fassoulis, however, continued to control and operate Icthyan Associates. In June of 1957 Fassoulis induced one Nelson Hause to purchase the stock of Icthyan Associates for \$117,000 from the aforesaid creditor. On the same date Hause gave a company called Financial Consultants the rights to purchase the said stock for \$133,000 to be paid in installments. Financial Consultants was and is a company controlled and 75 percent owned by Fassoulis and his wife.

In the summer of 1957, Fassoulis and Guterma began negotiating for the sale by United Dye and Chemical Corporation of 90,000 shares of the stock of Bon Ami to Fassoulis. Guterma also negotiated for the sale to Fassoulis of 25,000 shares of Bon Ami Class B stock owned by Chatham Corporation, a company wholly owned by Guterma and his family. Thus the negotiations were conducted in respect not only of the 90,000 shares of Bon Ami Class B stock owned by United Dye and Chemical Corporation (then pledged with banks to secure \$975,000 of loans) but also 25,000 shares of Bon Ami Class B stock held by Chatham Corporation, an aggregate of 115,000 shares of Bon Ami Class B stock.

One of Fassoulis' purposes in obtaining control of Bon Ami was to enable Bon Ami to obtain TV spot time by the sale to Bon Ami of the "Icthyan Package", which Bon Ami in turn could then use to barter for television time. Even prior to the transfer of control of Bon Ami to a company controlled by Fassoulis, he commenced negotiations and obtained the agreement of Guild Films for the barter of the "Icthyan Package" by Bon Ami to Guild Films for TV spot time.

By the middle of August 1957 an agreement had been reached by Fassoulis and Guterma providing for the purchase by Fassoulis of 115,000 shares of Bon Ami B stock at a price of approximately \$19 per share for such stock. Guterma insisted that all of the stock must be acquired by Fassoulis if any of the shares were to be acquired.

Fassoulis and Guterma, at about this time in August, 1957 reached an agreement to derive the funds for purchase of the aggregate of 115,000 shares of Bon Ami Class B stock by the sale to Bon Ami of the "Icthyan Package."

The basic agreement reached between Guterma and Fassoulis was that Baltic was to acquire the 90,000 shares of Bon Ami Class B stock held by United Dye and Chemical Corporation by (1) the assumption by Baltic of the liabilities of United Dye and Chemical Corporation in the amount of \$975,000 owed to banks and (2) by a cash payment from Baltic to United Dye and Chemical Corporation of \$725,000, and, in addition, a cash payment of \$425,000 was to be the purchase price of the 25,000 shares of Bon Ami Class B stock then held by Chatham Corporation. The total cash thus required to consummate the acquisition of the 115,000 shares from United Dye and Chemical Corporation and Chatham was \$1,150,000. As already described. Guterma and Fassoulis had determined to obtain the cash required to consummate the purchase of the Bon Ami Class B stock by Fassoulis by an ultimate sale of the "Icthyan Package" to Bon Ami for \$1,150,000.

In order to conceal his identity as the real purchaser of the Bon Ami stock, Fassoulis caused a company called Baltic Investment Corporation to be formed and caused one Jack Breakstone, then a registered representative at Mc-Laughlin, Cryan & Company, a member house of the New York Stock Exchange, and one Walter Birge, then a registered representative at Bache & Company, another member house to "front" for Fassoulis by acting as the ostensible officers, directors and stockholders of Baltic Investment Corporation.

³ This loan of \$300,000 made by the Banque de Depots to Chatham has not yet been paid by Chatham Corporation.

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By the middle of August Fassoulis and his associate had cash assets of only \$150,000 of which \$90,000 had been obtained by borrowing from Nelson Hause. Therefore, in order to derive immediately the payment of \$725,000 required to obtain the 90,000 shares of Bon Ami Class B stock from United Dye and Chemical Corporation, temporary financing had to be obtained in the amount of \$575,000.

This financing was obtained in the fol-lowing manner: The Banque de Depots of Geneva, Switzerland agreed to advance \$575,000 to Lake International Corporation, a Liberian corporation owned entirely by an associate of Fassoulis which had no assets. The proceeds of this loan of \$575,000 to Lake International plus the \$150,000 in cash then held by Fassoulis and his associate was to be paid over to Baltic Investment Corporation against a note of Baltic to Lake International Corporation in the amount of \$725,000. This note of Baltic Investment Corporation to Lake International in the amount of \$725,000 was then assigned to the extent of \$575,000 to the Banque de Depots to secure its loan to Lake International Corporation. In addition, Baltic pledged as additional collateral to the Banque de Depots the 90,000 shares of Bon Ami Class B stock it was purchasing from United Dye and Chemical Corporation subject however to the prior claims of the banks then holding such Bon Ami stock as collateral for \$975,000 owed by Baltic. As further collateral for Lake International's note in the amount of \$575,000 to the Banque de Depots the 25,000 shares of Bon Ami Class B stock owned by Chatham were also pledged with the Banque de Depots. Finally, \$300,000 in cash was deposited by United Dye and Chemical Corporation with the Banque de Depots to secure a loan to Chatham Corporation by the Banque de Depots in the amount of \$300,000.4 Chatham Corporation was to advance these funds to Lake International Corporation. Thus the actual sum purportedly advanced by the Banque de Depots for its own account to Lake International was \$275,000. The remaining \$300,000 was purportedly supplied by Chatham with the funds obtained by its loan from the Banque de Depots on the security of a cash deposit of \$300,000 made in that bank by United Dye and Chemical Corporation.

This "financing" having been thus arranged, a number of "closings" occurred simultaneously on August 20, 1957.

- A. Baltic Investment Corporation purchased from Bon Ami Company 90,000 shares of Bon Ami Class B stock for a total consideration of \$1,700,000:
- 1. Baltic assumed and United Dye and Chemical Corporation and its guarantors were released from liability on bank loans made to United Dye and Chemical

Corporation then outstanding in the amounts of \$975,000. Some of these loans had been guaranteed by Guterma and Dardi. However, in the transaction, only Dardi was relieved of his guarantees.

2. Baltic Investment Corporation paid \$725,000 (derived in the manner which has been indicated) to United Dye and Chemical Corporation.

3. It was also agreed that Baltic Investment Corporation would be permitted to designate three nominees for the Board of Directors of the Bon Ami Company. Breakstone and Birge were elected to the Board of Directors of Bon Ami. In addition, Baltic agreed that the Bon Ami Company would retain and hire Dardi and Adams (then an officer and director of the United Dye and Chemical Corporation and Bon Ami) as officers of the Bon Ami Company under long-term contracts.

B. At the same "closing", Lake International Corporation purportedly purchased 25,000 shares of Class B stock from Chatham Corporation for \$425,000.

from Chatham Corporation for \$425,000.

C. Concurrently Icthyan Associates controlled by Fassoulis sold to the Bon Ami Company for \$1,150,000 the so-called "Icthyan Package" of motion picture rights. Bon Ami paid this sum by a check on its account at the Banque de Depots in the amount of \$1,150,000.

D. Simultaneously, Icthyan Associates issued two checks to Lake International Corporation, one in the amount of \$725,-000 and the other in the amount of \$425,-000. \$575,000 of the \$725,000 check was apparently turned over to the Banque de Depots in payment of the indebtedness of Lake International to that bank. Lake International also drew a check in the amount of \$425,000 payable to the order of the Banque de Depots. This check was turned over to Alexander I, Guterma at the "closing". Guterma then proceeded to Geneva with all of the documents and checks signed at the August 20, 1957 "closings".

Fassoulis and his associate both testified that neither they nor Baltic Investment Corporation nor Lake International Corporation has ever received the 25,000 shares of Class B stock of Bon Ami purported to have been sold to them by Chatham Corporation. According to Fassoulis, Guterma asserts that Lake International or its owner owes him money and that he is retaining the 25,000 shares as collateral against this debt.

On or about September 16, 1957, Bon Ami filed on Form 8-K a report purporting to describe the transfer of control of the company by United Dye and Chemical Corporation to Baltic Investment Corporation. This report was deficient in that it did not describe all of the aspects of the transactions herein set forth. Particularly, it did not set forth the material interests of officers and directors of United Dye and Chemical Corporation and Bon Ami in the transaction, the fact that the actual control of Baltic Investment Corporation and therefore, Bon Ami Company, was in Fassoulis, the fact that United Dye and Chemical funds had been used to provide collateral to enable Guterma and Dardi to consummate the transfer of control to Fassoulis, and the fact that the "Icthyan Package" had been conveyed to Bon Ami to provide the cash to purchase not only the 90,000 shares of Bon Ami Class B stock acquired by Fassoulis from UDY but also 25,000 shares of Bon Ami Class B stock to be acquired from Chatham Corporation, a company wholly owned by Guterma and his family.

Notice is hereby given that the hearing pursuant to sections 12(d) and 19 (a) (2) of the Act heretofore scheduled for March 23, 1959 at the Washington offices of the Commission has been adjourned to April 7, 1959 at 11:00 a.m. at the same place.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-2856; Filed, Apr. 6, 1959; 8:46 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

APRIL 1, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the \$1.00 par value common stock of F. L. Jacobs Co., File No. 1–2645.

I. The common stock, \$1.00 par value, of F. L. Jacobs Co, is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a) (2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On March 22, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending April 1, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and

⁴Actually this sum was deposited by United Dye and Chemical Corporation out of the proceeds of the \$725,000 cash payment it received in the form of a check upon the Banque de Depots given to it by Baltic Investment Corporation as the cash consideration for the sale of 90,000 shares of Bon Ami Class B stock by United Dye and Chemical Corporation to Baltic Investment Corporation.

⁵The record indicates that on or about August 26, 1957, Chatham Corporation caused to be deposited to the account of the Bon Ami Company at the Banque de Depots a total of \$1,055,000 which together with the other sums then on deposit at the Banque de Depots to the account of the Bon Ami Company was used on the same day to meet a check of \$1,150,000 made by the Bon Ami Company to the order of Icthyan Associates payable at the Banque de Depots.

that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 2, 1959 to April 11, 1959, inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-2857; Filed, Apr. 6, 1959; 8:47 a.m.]

[File No. 7-1982]

AMPEX CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

APRIL 1, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Ampex Corporation Common Stock, File No. 7-1982.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is lited and registered on the New York Stock Exchange, and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before April 17, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file

matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary:

[F.R. Doc. 59-2858; Filed, Apr. 6, 1959; 8:47 a.m.]

[File No. 7-1983]

JOHNSON & JOHNSON

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

APRIL 1, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Johnson Johnson Common Stock, File No. 7-1983.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before April 17, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-2859; Filed, Apr. 6, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRA-

[Delegation of Authority No. 30-XV-7]

CHIEF, LOAN PROCESSING SECTION Delegation of Authority Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation 30-XV-1 (22 F.R. 7094) as amended (22 F.R. 7760, 24 F.R. 1730) there is hereby delegated to the Chief, Loan Processing Section, the following authority:

A. Specific. To take the following actions in accordance with the limitations

of the Commission pertaining to the of such delegations as set forth in SBA 500, Financial Assistance Manual:

- 1. To approve the following types of loans:
- (a) Direct business loans in an amount not exceeding \$20,000;
- (b) Participation business loans in an amount not exceeding \$25,000.
- 2. To approve disaster loans in an amount not exceeding \$20,000.
- 3. To extend the disbursement period on all loan authorizations on undisbursed portions of loans.
- 4. To approve, when requested in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.
- 5. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.
- 6. Approve changes in use of loan proceeds in connection with partially disbursed loans.
- 7. To approve annual and sick leave for employees under his supervision.
- B. Correspondence. To sign all nonpolicy making correspondence, except Congressional correspondence, relating to loan processing functions.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

Effective date: March 23, 1959.

D. J. FAILOR, Chief, Financial Assistance Division, Detroit Regional Office, XV.

[F.R. Doc. 59-2860; Filed, Apr. 6, 1959; 8:47 a.m.]

[Delegation of Authority No. 30-XV-8]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation of Authority Relating to **Financial Assistance Functions**

- I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation 30-XV-1 (22 F.R. 7094) as amended (22 F.R. 7760, 24 F.R. 1730) there is hereby delegated to the Chief, Loan Administration Section, the following authority:
- A. Specific. To take the following actions in accordance with the limitations of such delegations as set forth in SBA 500, Financial Assistance Manual.
- 1. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed \$10,000 per an-
- 2. To do and perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration, but

No. 67----5

not the liquidation thereof except as specifically herein set forth, of any disaster loan including, (without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements, or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements, or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

3. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment

held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

4. To take the following actions in all loans except those classified as "problem

loans" or "in liquidation":

a. Approve requests to exceed fixed asset limitations and waive violations of this limitation.

- b. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.
- c. Waive violations of agreements to maintain working capital of a specified amount.
- 5. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.
- 6. To enter into written arrangements with custodians or caretakers of col-

lateral covering their services, which shall not have the effect of making such persons employees of SBA, but shall be limited to their temporary services, for the specific purpose involved.

7. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of ten days after the date of sale of the collateral to permit orderly removal of the property from the premises.

8. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

9. To approve annual and sick leave for employees under his supervision.

B. Correspondence. To sign all nonpolicy making correspondence, except Congressional correspondence, relating to loan administration functions.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Effective date: March 23, 1959.

D. J. FAILOR, Chief, Financial Assistance Division, Detroit Regional Office, XV.

[F.R. Doc. 59-2861; Filed, Apr. 6, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property INES B. DE HAVERBECK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ines B. de Haverbeck, Casilla 67–D, Valdivia, Chile. Claim No. 63305. \$1,201.61 in the Treasury of the United States, and, \$4,100.00 Rhine Westphalia Elec. Power Corp. 4½% Debt Adjustment Bond, Series "B", due 1–1–78. Bond Nos. 628/31 at \$1,000.00, each. No. 371 at \$100.00. \$16.65 Scrip certificate No. 000453 dated 1–1–53 Rhine Westphalia Elec. Power Corp. Debt Adjustment bond, Series "B", 4½%. 3 coupons at \$1.50 each, due 1–1–41 detached from Conversion Office for German Foreign Debts 3% dollar bonds numbered C 049178/80. \$400.00 Federal Republic of Germany Conversion & Funding issue Dollar Bonds 3%, due 1–1–53, numbered C 006740/3 for \$100.00, each. All of the aforementioned securities with the exception of the 3 coupons at \$1.50 each, which are in the custody of the Office of Alien Property, Washington, D.C., are presently in the custody of the Safekeeping Department of the

lateral covering their services, which Federal Reserve Bank of New York, N.Y. shall not have the effect of making such Vesting Order No. 12251.

Executed at Washington, D.C., March 31, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-2845; Filed, Apr. 6, 1959; 8:45 a.m.]

RUTH ANDRE HISCHEMOELLER ET AL. Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ruth Andre Hischemoeller, nee Hertmann, St. Benedict Strasse 5, Hamburg 13, Germany; \$584.46 in the Treasury of the United States, Marion Susanna Sauber, nee Hertmann,

Marion Susanna Sauber, nee Hertmann, Mittelweg 16, Hamburg 13, Germany; \$584.46 in the Treasury of the United States.

Anna Marie Roessler, nee Hertmann, Knoll Strasse 36, Ludwigshafen a. Rh., Germany; \$1,168.93 in the Treasury of the United States. Claim No. 62248. Vesting Order No. 6215.

Executed at Washington, D.C., on March 31, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-2846; Filed, Apr. 6, 1959; 8:45 a.m.]

BERTA MINNE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Berta Minne, Speyer a Rheim, Pfalz, Germany; \$423.38 in the Treasury of the United States. Claims Nos. 55660 and 55661.

Executed at Washington, D.C., on March 31, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,

Deputy Director,

Office of Alien Property.

[F.R. Doc. 59-2847; Filed, Apr. 6, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the late of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 35336: Substituted service—C.R.I. & P.R.R. for Navajo Freight Lines, Inc. Filed by Middlewest Motor Freight Bureau, Agent (No. 144), for the Chicago, Rock Island and Pacific Railroad Company, and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Kansas City (Armourdale), Kans., on the one hand, and Amarillo, Tex., or Tucumcari, N. Mex, on the other, on traffic from or to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 95 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223

FSA No. 35337: Substituted service—C.R.I. & P.R.R. for Prucka Transportation, Inc. Filed by Middlewest Motor Freight Bureau, Agent (No. 145), for the Chicago, Rock Island and Pacific Railroad Company, and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Denver, Colo., on the one hand, and Council Bluffs or Des Moines, Iowa, or Kansas City (Armourdale), Kans., on the other, on traffic from or to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement \$5 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35338: Substituted service— M. & St. L. Ry., for Bos Lines, Inc. Filed by Middlewest Motor Freight Bureau,

Agent (No. 146), for the Minneapolis & St. Louis Railway Company, and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Marshalltown, Iowa, and Minneapolis, Minn., on traffic originating at or destined to points on motor carriers in the territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 25 to Middlewest Motor Freight Bureau tariff MF-I.C.C.

FSA No. 35339: Substituted service—I.C.R.R. for Takin or Westran Motors. Filed by Middlewest Motor Freight Bureau, Agent, (No. 147), for the Illinois Central Railroad Company, and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Waterloo, Iowa, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 95 to Middlewest Motor Freight Bureau tariff MF—I.C.C. 223

FSA No. 35340: Substituted service—I.C.R.R. for Takin Bros. Freight Line. Filed by Middlewest Motor Freight Bureau, Agent, (No. 148), for the Illinois Central Railroad Company, and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs or Sioux City, Iowa, on the other, on traffic from or to points on motor lines in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 95 to Middlewest Motor Freight Bureau tariff MF—I.C.C. 223.

FSA No. 35341: Rates from and to Hollis & Eastern Railroad Company. Filed by Southwestern Freight Bureau, Agent, (No. B-7521), for The Hollis & Eastern Railroad Company and other carriers parties to Uniform Freight Classification. Rates on property moving on commodity rates (other than coalor coke), between stations on The Hollis & Eastern Railroad Company, on the one

hand, and points in the United States and Canada, on the other.

Grounds for relief: Addition of new stations on the Hollis and Eastern Rail-road.

By the Commission.

[SEAL] HAROLD D. McCOY, Secretary.

[F.R. Doc. 59-2854; Filed, Apr. 6, 1959; 8:46 a.m.]

[Notice 105]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61934. By order of March 31, 1959, The Transfer Board approved the transfer to Meadows Transfer, Inc., Harrisonburg, Va., of Certificate No. MC 109325, issued March 15, 1951, to Lloyd Meadows, doing business as Meadows Transfer, Harrisonburg, Va., authorizing the transportation of: Household goods, as defined, between Harrisonburg, Va., and points in Virginia within 25 miles of Harrisonburg, on the one hand, and, on the other, points in Virginia, Ohio, North Carolina, Maryland, Pennsylvania, West Virginia, and the District of Columbia. Charles A. Nelson, First National Bank Bidg., Harrisonburg, Va., for applicants.

[SEAL] HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-2855; Filed, Apr. 6, 1959; 8:46 a.m.]

· CUMULATIVE CODIFICATION GUIDE—APRIL

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during April. Proposed rules, as opposed to final actions, are identified as such.

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